



**USAID** | **SERBIA**  
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# SEPARATION OF POWERS PROGRAM (SPP)

ANNUAL REPORT - YEAR TWO  
OCTOBER 1, 2009 – SEPTEMBER 30, 2010

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# SEPARATION OF POWERS PROGRAM (SPP) ANNUAL REPORT - YEAR TWO OCTOBER 1, 2009 – SEPTEMBER 30, 2010

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**Disclaimer**

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## TABLE OF ACRONYMS

BCR	Book of Court Rules
BLR	Backlog Reduction
EU	European Union
EWMI	East-West Management Institute, Inc.
GOS	Government of Serbia
HCC	High Court Council
IACA	International Association of Court Administration
IDI	Institutional Development Index
IT	Information Technology
JA	Judicial Academy
JAS	Judges Association of Serbia
JRI	Judicial Reform Index
MDTF	Multi-Donor Trust Fund
M&E	Monitoring and Evaluation
MFAS	Material and Financial Affairs Sector
MOF	Ministry of Finance
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MP	Member of Parliament
NA	National Assembly
NARS	National Assembly of the Republic of Serbia
NGO	Non-Government Organization
OSCE	Organization for Security and Cooperation in Europe
P-BMP	Performance-Based Monitoring Plan
SG	Secretary General
SPP	Separation of Powers Program
TOT	Training of Trainers
USAID	United States Agency for International Development
USG	United States Government
WG	Working Group

## **INTRODUCTION**

As required under section F.5 of its contract with the United States Agency for International Development (USAID), East-West Management Institute, Inc. (EWMI) submits the following Annual Report for the Separation of Powers Program (SPP) in Serbia for the second year of a five year contract which ends 14 August 2013. According to the contract, SPP annual reports should cover the USG fiscal year; the report therefore covers October 1, 2009 – September 30, 2010. This annual report describes SPP progress and impact overall and by task, and tracks SPP's progress towards the contents of work plans and Performance Objectives.

Unless otherwise identified as a calendar quarter, references in this report to quarters are to workplan year quarters, which coincide with the US Government fiscal year, e.g., the first workplan quarter was October – December 2009, the fourth calendar quarter of 2009.

The annual report tracks the three tasks identified under the contract and included in the workplan: Judiciary Capacity (Task One); Court Administration (Task Two); and Parliament Capacity (Task Three).

The contract contains 15 performance objectives, and the activities identified in the workplan are organized to accomplish those performance objectives. Therefore, in this report EWMI reports the progress on those objectives organized around the workplan sections. Those performance objectives are listed separately for each task, and in their entirety in report Annex I.

## **EXECUTIVE SUMMARY**

The overall purpose of the Separation of Powers Program (SPP) in Serbia is to provide technical assistance to help Serbia move closer to EU accession by strengthening the division of power and authority more equably among Serbia's three branches of government, and to promote judicial independence. The SPP is structured around three tasks intended to help in attaining that goal. The second year of the project was marked by continuing good relations and cooperation with the Ministry of Justice (MOJ), growth and structuring of constructive work with the High Court Council (HCC), expanded work with the courts, and steady progress with the National Assembly (NA).

The year was also marked by an extremely high level of political and functional disruption of progress as the laws passed in December 2008 came into effect and the statutorily mandated "Judicial reform" was implemented. The continuing effects of the global financial crisis also had a significant impact on the pace of progress. The combined impact of these forces created delay in implementing SPP program activities. The financial crisis led to a shrinking of government: reduction of numbers of judges, reduction of court staff, a hiring freeze preventing hiring new staff, an inability to realize new programs, and a delay in creating new budget offices to perform new tasks. The court reform process reduced the effectiveness of the High Court Council by immersing it in the overwhelming task of judicial election, and reduced the effectiveness of the courts by wholesale changes in leadership, size, and structure.

Key project results include:

**Task 1: Develop the judiciary's capacity to allocate, acquire, and manage its own resources:**

SPP's principal counterpart for this work is the Serbian High Court Council (HCC). During the year SPP structured a formal and effective communication channel between SPP and the High Court Council. SPP created a Memorandum of Understanding that was signed by the USAID Mission Director and the President of the HCC on April 27, 2010. SPP prepared a detailed staffing plan and recommendations for a budget office and completed an assessment of the IT hardware and software needed for HCC budget preparation and execution for the court system. The organizational structure of the budget office recommended by SPP included budget preparation and execution functions, internal audit, and procurement. The HCC, however, did not create the budget office, and as of the end of the program year, that task is still pending. The HCC's nearly exclusive focus was on judicial election, and it was extremely slow to undertake its own organizational development. For its functioning, the HCC has relied on the staff assistance provided by the MOJ. At the end of SPP Year 2, the HCC still had hired only a handful of staff. SPP helped develop the practice of direct dealings between the HCC and the Ministry of Finance by assisting the President of the High Court Council with the preparation of a formal appeal of the budget targets for 2011, 2012 and 2013 provided by the Ministry of Finance for the operation of the HCC. Although it was a long process, SPP convinced the HCC to engage in strategic planning, and the first working retreat was organized and prepared for implementation in the first week of the next program year.

**Task 2: Assist the judicial branch in making its administration of justice more efficient, transparent, and responsive to the needs of its users:**

SPP has continued to progress in this work, but administrative issues stemming from the judicial reform have slowed progress in some areas. Over 95% of the court presidents (chief judges) were replaced, effective January 1, 2010. The replacements were identified as "Acting Court Presidents" and their effectiveness was curbed during the year by restrictions imposed on their "Acting" status. This impacted and slowed selection of court managers, development and delivery of training, and court work to improve case management. The court manager position was created officially, twelve courts received approval for the position, and one court manager was hired. SPP expanded direct work with courts on case management issues, expanding to ten courts and including work on both backlog reduction and improvement of case processing efficiency. SPP's proposals for backlog reduction were implemented in the national Book of Court Rules at the end of 2009, and at the end of the program year in September 2010 SPP was expanding that work to assist the Ministry of Justice in drafting a national strategy for case backlog reduction. SPP also convinced the High Court Council to create a working group and started work with that working group to develop a weighted caseload methodology and measurement system.

**Task 3: Develop the capacity of the National Assembly (NA) to become a truly deliberative body capable of acting in the public interest, and conducting oversight/monitoring of all government operations:**

The rate of activity implementation during this second year increased, building upon Year 1, and preparing to reach all project objectives in Year 3. Major achievements on the Task's first objective, implementation of the National Assembly Budget Office, included: a study tour to the Slovenian National Assembly and training for Budget Office Staff, development of a Budget Office (and Secretariat-wide) staffing plan, and creation of Budget Office by-laws and recommended internal regulations and operating procedures, including rejuvenating the budget development process with a newly automated system. Achievements on the Task's

second objective, development of multi-year strategic and financial plans were also substantial and included training for Secretariat staff and selected members on how to develop strategic plans and identify developmental priorities, and development of a draft strategic plan outline, to be finalized in Year 3. Major achievements on the Task's third objective, legislation analysis and transparency, included: starting development of a new legislative web portal; advising and mentoring MPs and staff on key legislation and regulations, including the Law on Parliament and the Internal Rules of Procedure, and media consultations.

## **TASK I: DEVELOP THE JUDICIARY'S CAPACITY TO ALLOCATE, ACQUIRE AND MANAGE RESOURCES**

This task centers around the financial independence of the judicial branch: Development of a judicial budget and finance capability, transfer of budget, finance, and planning functions to the judiciary, development of a vision and strategic plan for the judicial branch, and improvement of management capability. Note: In this and the following tables of performance objectives, the number in brackets at the end of each performance objective is the number of that objective as it appears in the SPP contract, section C.VII.

No.	PERFORMANCE OBJECTIVE
1	After four years, the budget and finance office and judicial leaders prepares an integrated budget for all courts. [8]
2	After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations. [12]
3	After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index. [14]
4	After four years, the judiciary has adopted five- and 10-year development plans. [7]

**2010: Performance Objectives 1 and 2:** Achievement of each performance objective is on target and highly probable. **Performance Objective 3:** Achievement of judicial influence and control over budget and spending is highly probable, but there are some areas where the MOJ will retain control that raise issues of the extent of the control that the HCC can exercise. **Performance Objective 4:** Achievement is on target and highly probable for the adoption of a five year development plan; adoption of a ten year plan is less probable.

### **Judicial system budgeting, Objectives 1- 3.**

**Objective 1:** Integrated court budget in 2012. In 2009 and 2010, SPP assisted the High Court Council (HCC) in preparing its first (for 2010) and second (for 2011) Council budgets. In both years the staff work for Council budget preparation was done at the MOJ. The budgets for the judicial system for both 2010 and 2011 were also prepared by the MOJ. In 2011, the HCC will have a budget office that prepares the judicial system budget for 2012. Therefore, it is highly likely that in 2012, four years into SPP, the HCC as the entity leading the judicial system, will prepare its second integrated budget for the judicial system.



### **2010 Accomplishments toward the achievement of Objective 1:**

- Creation of a formalized communication channel between SPP and the High Court Council. An MOU was signed by the USAID Mission Director and the President of the HCC on April 27, 2010. The MOU provided for the establishment of a HCC – SPP advisory committee. The advisory committee has functioned to provide a forum for discussing SPP progress and HCC issues and as a vehicle to take proposals to the HCC for decision purposes.
- SPP prepared a detailed staffing plan and recommendations for a budget office that would meet the needs of the judicial system in future years. (The budget office is identified in that staffing plan as the Material and Financial Affairs Sector, or MFAS.) SPP worked closely with the HCC Secretary General to persuade her to accept those recommendations. All recommendations were adopted by the Secretary General for the staffing necessary to support the assumption of the budget formulation and execution responsibilities from the MOJ to the HCC on January 1, 2011.
- SPP completed an assessment of the IT hardware and software needed for HCC budget preparation and execution for the court system.

### **Assessment of what still needs to be accomplished to complete Objective 1:**

- Staffing plan (Systemization Act) for the MFAS needs to be approved by the HCC. It has been a pending item of Council business since June 2010; the Council President has not submitted it to the Council for action.
- The Council needs to hire staff for the MFAS. Some staff will be transferred to the HCC MFAS from the MOJ; others will be new hires. SPP has offered to assist the Secretary General in locating and screening of candidates for the MFAS.
- Insure that MFAS staff has been adequately trained to perform the necessary work.
- Identify those courts that may need assistance to elevate their skills in budgeting and reporting on the use of budget funds.
- Complete the design of a training program addressing the budget preparation and financial management needs of the courts.
- The HCC will need to implement the recommendations in the IT assessment report in order to have the tools necessary for budgeting and financial management.
- Although the reasons for her unwillingness may be supported by the financial crisis, the unwillingness of the HCC President to permit the Council to hire staff and develop as an organization has been and will continue to be an impediment to SPP. SPP will continue to endeavor to overcome this impediment by continuing to stress, on every occasion, the reason why it is important to hire staff.

**Objective 2:** Direct budget dealings between the Judicial Branch and the Ministry of Finance in 2013. This is already achieved to a minor extent, and overall highly probable. In 2013 the HCC will be preparing its third judicial system budget and should be well-experienced with direct dealings with the MOF.

### **2010 Accomplishments toward the achievement of Objective 2:**

- In September 2010, the MOF provided the budget targets for the operation of the HCC for 2011 and budget projections for 2012 and 2013. Even though the MOJ felt the budget was adequate, the President of the HCC and the Secretary General requested SPP assistance.

- SPP analyzed the basis of the budgetary inadequacies and prepared an appeal for the HCC to submit to the MOF.
- The appeal documents were approved by the President of the HCC and transmitted to the MOF. This constituted direct budget dealings between the HCC and the MOF.

**Assessment of what still needs to be accomplished to complete Objective 2:**

- The HCC must complete the staffing of the MFAS so that it can perform all the budget formulation and execution functions.
- The Assistant Secretary General in charge of the MFAS must develop a professional working relationship with his/her counterparts at the MOF.

**Objective 3:** Progress in JRI Factor 10 by 2013. The Judicial Reform Index (JRI) is a measurement tool implemented by ABA CEELI / ROLI. Factor 10 is: “The judiciary has a meaningful opportunity to influence the amount of money allocated to it by the legislative and/or executive branches, and, once funds are allocated to the judiciary, the judiciary has control over its own budget and how such funds are expended.” With the 2011 assumption by the HCC of judicial system budget preparation, the judicial system will have meaningful influence over judicial budgets, and will have control over expenditures. However, the level of that control over expenditures will be limited in 2011, and issues remain around achieving maximum control over expenditures.

The foundational steps have been accomplished. The HCC was created, has been endowed with the competency for budgeting and financial management, and has been operational since April 2009. Unfortunately, due to the Council focus on judge election, the HCC has not focused on judicial system administration. Administrative plans have been developed but not implemented. The statutory plan for budgeting functions schedules judicial system budgeting to be operational in the HCC in January 2011. As of the end of this program year, the HCC has not yet been willing to accomplish the steps necessary for assumption of that function.

**2010 Accomplishments toward the achievement of Objective 3:**

- SPP provided and the Secretary General adopted recommendations for a staffing plan and organizational structure for the MFAS that includes 13 positions.
- The number of positions in the draft systemization act exceeds the number of positions the MOJ dedicated to providing services related to the budgeting and financial management of the HCC and the courts.
- The systemization plan act includes a recommendation from SPP on the establishment of an internal audit function and the establishment of a professional procurement officer.
- The plan is awaiting approval of the HCC.
- Verbally and publicly, the HCC has stated its intent to assume the budget responsibilities in 2011.

**Assessment of what still needs to be accomplished to complete Objective 3:**

- The issues of the financial control that remains in the MOJ need to be resolved. The 2008 Law which created the HCC does not give the HCC total control over all elements in its budget. Under that law, the MOJ is currently responsible for: 1) The approval of the systemization (staffing) for the courts; 2) Development of the capital

investment plan for the courts; and 3) Procurement responsibilities for IT and capital budget items to support court operations.

- In the area of budget execution, it is not clear what organization will be responsible for: 1) Court budget line item reprogramming; 2) Implementation of information technology in the courts; and 3) Allocation of court fees to fund the prosecutors.
- The HCC will need to address those areas of financial responsibility and those budget management issues that limit the ability of the HCC to influence the amount of money allocated by the executive and legislative branches and reduce the HCC's control over its own budget and how such funds are expended. The HCC needs to approve a MFAS and implement the recommendations in the SPP IT Assessment Report prepared for the HCC.

#### **Strategic planning. Objective 4.**

**Objective 4:** Strategic development plans by 2012. This is on target and probable, at least as to a five year development plan. SPP expects the Council to start strategic planning early in project Year 3, and to have an approved strategic plan by early 2011. SPP is not yet aware whether the Council will be willing to plan ten years ahead.

#### **2010 Accomplishments toward the achievement of Objective 4:**

- SPP conducted a presentation first to the HCC President and then to the entire HCC discussing the value of strategic planning within an organization and convinced the HCC to agree to move forward with the development of a strategic plan.
- Logistical and substantive preparations have been accomplished for the first retreat workshop scheduled for October 7, 8, and 9, 2010.

#### **Assessment of what still needs to be accomplished to complete Objective 4:**

- Further retreats are planned prior to the end of calendar year 2010 with the goal that an initial draft of a strategic plan should to be completed by December 2010.
- The Draft strategic plan should be reviewed by the new members of the HCC by the end of January.
- The strategic plan will be finalized and adopted by the newly constituted High Court Council. In the revision and adoption stages, the Council will need to address the time span of their planning, *i.e.*, will they complete only a five year plan or will they look forward ten years.

### **I.1. Assist the judiciary to acquire, allocate and manage resources through the establishment of a budget and finance function and adoption of appropriate rules and procedures**

#### **I.1.1 Establish High Court Council (HCC) Budget Sector Office.**

A. MOU with High Court Council.

Due to the nature of the High Court Council, SPP had planned to formalize the working relationship in a Memorandum of Understanding. The ongoing process of judge election<sup>1</sup> kept the HCC focused on judicial governance and not on institutional development of the Council. In October 2009, the HCC finally selected a general secretary. SPP immediately began pursuing with him the idea of a formal MOU to structure SPP and HCC work. Although he was favorably supportive of the MOU, the secretary general resigned after less than two months in office and never raised the subject of the MOU with Council members. SPP then turned the efforts directly to the Council president. She was also supportive of the idea of a formal MOU. USAID determined that it should be the signatory on the US side of this MOU. Over several months, SPP worked with both USAID and the president of the HCC on the terms of the MOU and on the process for formalizing the agreement.

The President welcomed the idea of a formal public signing of the MOU. However, working out the details of the date and place was a drawn out process. Finally, on April 27, 2010, Serbia High Court Council President Nata Mesarović and USAID Mission Director Michael Harvey signed the Memorandum of Understanding outlining the support USAID will offer the High Court Council through the Separation of Powers Program. The Memorandum includes agreement to work toward enhancing the independence of the judicial branch of government. The MOU outlines SPP's plan to assist the HCC in its efforts to build capacity for the independent preparation and management of the budget and for financial operations for the judicial system, and to support efforts for the HCC to engage in long-range planning for the judicial branch of government.

The Signing of the MOU occurred at a public ceremony held at the newly renovated national level courts building in Belgrade (Nemanjina 9). The building houses five courts, including the Supreme Court of Cassation. The event was attended by the Minister of Justice, all members of the High Court Council, presidents of three of Serbia's Courts of Appeals, other national level court presidents, and many media representatives. US Ambassador to Serbia Mary Warlick spoke at the ceremony and spoke about the nine years of efforts by the United States government to support Serbia in its efforts to reform and modernize its justice system.

The signing of the MOU prompted a request from the HCC for SPP to organize a presentation for the entire Council explaining the support which SPP can provide. SPP conducted a briefing session for the HCC President and Council members on May 11 to discuss the support activities outlined in the MOU and the ways SPP could assist the Council: budget and financial management; strategic planning; and creating a weighted caseload methodology and measurement system.

The MOU contains provisions creating an Advisory Committee (AC) to assist with implementing SPP's work with the HCC. The President of the HCC appointed HCC members Judge Mladen Nikolić and Judge Biljana Tošković, and the Secretary General of the HCC Majda Kršikapa to serve as the representatives of the HCC. On May 12, the Advisory Committee met for the first time. The AC continued to meet and assist with implementing

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<sup>1</sup> Describing the lengthy and bitter process of judge selection as judge "election" or judge "reelection," is significant legal semantics. The position of the MOJ and HCC has been that the terms of the 2008 Law on Judges and Law on Court Organization acted together to terminate all judge positions effective December 31, 2009, and to create new positions effective January 1, 2010 in the "New court network." Under this theory, all judges selected in December 2009 for future office were "elected" to new judicial positions. The position of the judges and the Judges Association of Serbia has been that all judges had constitutionally guaranteed tenure and that any judge continuing in office in 2010 was "reelected." Throughout this report, SPP will use the term judge "election" to describe the judge selection process that monopolized the HCC throughout 2009 and 2010.

SPP work and met formally two more times before the end of the program year in September. The Committee discussed areas of work and concerns on both sides and was a conduit for bringing SPP issues before the Council for information or action. At each of these meetings SPP raised issues for creation of the budget office and for strategic planning.

#### B. Establish High Court Council (HCC) Budget Office.

This process occupied the entire program year, and unfortunately still remains unfinished at the end of the year. As reported above, the Secretary General (SG) of the High Court Council took office in late October. SPP arranged a meeting with him for early November and began efforts to enlist his support for formation of a complete budget and financial management office and for strategic planning. SPP drafted and sent to the SG descriptive materials explaining SPP program activities and their value to the HCC. The SG agreed to pass the materials on to the members of the Council to educate them about the project and to enlist their support. SPP stressed the need for early operational capabilities of the budget office and the SG agreed with this approach.

In December the Secretary General resigned, and in January, SPP learned that he had not distributed to Council members the program materials SPP had prepared for the Council. Therefore, in January SPP again sent program documents to the HCC, this time addressed directly to the president of the Council.

In meetings with SPP, the President of the Council supported getting assistance from SPP with financial management and budget issues. In February, SPP created a proposal outlining very specific steps for the HCC to consider that would lead to a timely creation of a functional HCC Budget Office, and also developed a short paper for the HCC on Alternate Organization Structures for the HCC Budget and Finance Sector and Staffing Proposal for the Budget Office of the HCC Administrative Office.

The Law on the High Court Council provides (in Article 58) that the Council shall take over employees from the Ministry of Justice who have been performing the work now given to the HCC. Since the budget office for the HCC had neither organizational structure nor people, SPP opened a dialogue with individuals within the Ministry of Justice who are likely to be on the list of people transferred to the Budget Office within the HCC. SPP met with several of them starting in February and continued to have exchanges of information and meetings. This helped to keep SPP advised on transition efforts between the MOJ and HCC.

In March the High Court Council appointed Majda Kršikapa as the new Secretary General of the HCC. Within days of taking office, Ms. Krsikapa asked SPP to provide her guidance in finance and budget. In response to this request, SPP organized, and then conducted a briefing session for the newly appointed Secretary General on March 23. The briefing included organizational options for the HCC in discharging the HCC's responsibilities for formulating and executing the budget for the Judiciary.

Over the next six months, SPP continued to work with the Secretary General and the Council to obtain approval of a budget office organization. The position of the HCC changed repeatedly during this period. In May, the Council seemed poised to approve the creation of the office and the hiring of five people to provide partial staffing for the office. By the end of May, SPP had reworked all of the earlier staffing proposals, completed new position descriptions and qualifications, and obtained the SG's approval of thirteen people dedicated to budget and financial matters and of the appropriate structure for this office. At

SPP insistence, that plan included the position of an internal auditor. The budget office is intended to be located within the Administrative office (AO) of the HCC, under the overall control of the Secretary General, and will be known as the Material and Financial Affairs Sector (MFAS). The proposal with all of SPP's supporting documentation was submitted to the Council for approval. For reasons that remain unclear, the HCC president postponed placing the AO organizational issues on the agenda for the Council. By September, due to the continuing poor financial outlook for Serbia, governmental organizations were asked to make further cuts, so at the end of the program year, SPP was advised that further changes were being considered in the systemization for the AO, and that was why there had not yet been approval by the HCC.

At the last meeting of the Advisory Committee in late September, SPP again stressed the need to obtain approval of the MFAS systemization and to get people hired.

By the end of the program year in September, it appeared probable that the Council would finally approve the creation of a budget office so that people could be hired. (Unfortunately, that approval had also appeared likely at earlier points in the year, only to be postponed repeatedly.)

### **1.1.2 Improve Judicial System Budget Process.**

SPP US based consultant Joseph Bobek worked in Serbia at the beginning of the program year to complete an analysis of judicial system financial processes and court spending.

#### **A. Technical assistance to the courts.**

The SPP anticipated providing mentoring and technical assistance to courts on budgeting during year two. This effort was predicated on working with the MOJ to identify courts having difficulty submitting or managing their budgets. The SPP met with the Assistant Secretary for Finance and other MOJ officials to discuss the issue of court training. The Assistant Secretary was supportive of SPP performing budget training but proposed that the SPP concentrate on the larger courts first. Based on her guidance the SPP abandoned the idea of identifying weakest courts to target remedial training in year two.

#### **B. Expenditures.**

With the assistance of US based consultant Joseph Bobek, SPP embarked on an effort to examine court spending patterns with a view to identifying areas of potential savings in the use of court funds. However, SPP could not obtain financial data for the entire court system. This required Mr. Bobek to narrow his focus to a representative sample of courts. It took considerable effort and several months to obtain most of the representative sample data. When finally available, it was not sufficient to permit well-supported conclusions about court spending patterns and processes. SPP determined to defer completion of that part of Mr. Bobek's work and endeavored to obtain the data through World Bank (WB) sources. In June, the WB reported that they were successful in getting historical expenditure reports for the individual courts from fiscal years 2004 through 2009, but they were not able to get budget information for the same period. By the end of the program year the WB conclusions were not yet available, and SPP could not ascribe a value to future efforts to complete this work.

SPP did maintain close communications with the World Bank Multi-Donor Trust Fund (MDTF) team, meeting with them when they were in Serbia, and frequently meeting or talking with members of the local staff. In June, a joint meeting included the Serbian

Treasurer and members of her staff. The meeting was principally focused on discussions about funding and reporting procedures that the Treasury uses in controlling and implementing cash flow to the courts.

#### C. Court Financing.

Serbian courts receive a significant amount of budgetary support from court produced revenues. In researching areas of needed financial reform this year, SPP reviewed a 2008 report issued by the European Commission for the Efficiency of Justice (CEPEJ) which listed the percentage of the operational budget for courts funded by court fees. According to that report, only four countries (of the 37 countries surveyed) received court budgetary support from court fees that was greater than the 47.1 percent reported for Serbia. The four countries where court taxes were a higher percentage of operational support were Austria (107.3%), Moldova (69.6), Montenegro (69.6) and Romania (67.2). Programmatic implications of this finding include potential future value in work both to improve collection of court fees and to provide more general funding support from the government. SPP has not planned work in this area for Year 3 of the project.

#### D. Program budgeting.

Several years ago the Government of Serbia required five ministries to convert to program budgeting, as part of a long-range plan to convert all of the government to program based budgets. A significant consequence of the fiscal crisis was the Government's decision to postpone converting other entities to program budgets. The Ministry of Justice is scheduled to introduce program budgeting in 2015. This means that it will be unlikely that SPP will participate in any part of the budget conversion except for preparatory work.

Part of the potential preparatory work could be development of court performance standards. During Year 2 SPP discussed performance standards with World Bank representatives on several occasions. One fundamental future decision needs to be whether the effort should be led by the Executive Branch (MOJ) or the Judicial Branch (HCC & SPC (State Prosecutorial Council)). If the effort is to be successful, SPP and the World Bank agreed that the performance standards initiative should be led by the Judicial Branch organizations.

### **1.1.3 Training Initiatives.**

SPP's approach for training of people within the court system—both for financial management at the HCC level and at the court level—has been, when possible, to design both the training and sustainability of the training through the Judicial Academy (JA). See section 2.1.2, below, for the cooperative work with that institution.

#### A. and B. HCC Staff and Council members and Court staff.

SPP did not restrict efforts to create training to the JTC and JA. SPP met with MOJ officials (Vukica Buckovic, Assistant Minister of Justice, Milena Lakic, Head of the Budget, Analysis and Planning Department in the MOJ Sector for Material and Financial Operations, and Natasa Skembarevic, Chief MOJ Accountant) to discuss the development of a comprehensive training program for new staff in the HCC Budget Office and for financial staff in the courts.

SPP and MOJ agreed that the three critical areas for training will be budget drafting, execution and reporting.

SPP is waiting to see how the Council will organize the work and the responsibilities of Council members before undertaking training of Council members. Since both the appointment of budget office staff and the assignment of HCC members' responsibilities have not occurred, the training initiative is rescheduled to commence in Year 3. Once the organizational assignments are finalized in Year 3, SPP will work with members assigned budget and financial management responsibilities to determine if they feel a need to receive budget and advocacy training.

#### C. Study Tour for HCC Members and Selected Staff.

SPP communicated with several different organizations in order to address the preparations for a potential study visit of HCC members and selected staff to learn about effective governing council budget practices. To gain maximum benefit from such a study tour, SPP decided that the study tour should occur after the HCC budget office was created and after the "Temporary" judge members of the Council were replaced<sup>2</sup>. Those preconditions would assist study tour participants in utilizing and passing on their new knowledge. By the end of the program year, neither precondition had yet occurred, and the budget operation study tour remained in the planning stage.

### **I.1.4 Information Management.**

#### A. HCC Budget Sector IT.

Creation of an effective budget office requires obtaining the right tools for performing the work. Late in the third quarter, SPP organized an Information Technology (IT) assessment team to study the needs of the HCC Administrative Office's Material and Financial Affairs Sector. That team consisted of one US court administration and IT expert (Tim Bates), and two local experts, one in public finance (Zvonko Brnjas), and the other in IT (Dragan Obrenovic). The team assembled, planned its assessment work, and started work at the beginning of July. The work was intensive and occupied the time of the consultants and SPP staff on a nearly full-time basis for the month of July. The receipt of the draft report contained recommendations and identified issues that required considerable further investigation and work. (One example of those issues is whether licenses (and licensing fees) will be needed for individual courts to use the Treasury budget planning software. Even after many attempts to get an authoritative answer, this issue remained unresolved at year's end.)

The basic conclusions from that IT assessment were that the software systems used by the Serbian Ministry of Finance for budget preparation (the Budget Planning and Management Information System (BPMIS)) and for budget execution (the Financial Management Information System (FMIS)) were good systems that functioned well and would meet the current and future needs of both the HCC and the courts. The conclusions and recommendations from this assessment were presented to the HCC Advisory Committee at the last meeting in the program year. SPP intends to start IT procurement early in program Year 3.

#### B. Court budget and finance and statistics IT.

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<sup>2</sup> The Law on the High Court Council (Articles 52-55) passed in December 2008 provided for an expedited process to elect the judge members of the "First Composition of the Council" and a longer and more democratic process for election of the "Permanent Composition of the Council." Article 57 of that law required the temporary judge members elected to the first composition to be replaced by the permanent members by June 30, 2010. As of the end date of this report, that had not occurred, but the HCC had announced its intent to elect the permanent members by the end of the calendar year.



One additional IT requirement that surfaced in the assessment is that the law on the budget system requires that all direct budget beneficiaries maintain their own supporting accounting records. To comply with that law a budget beneficiary has to input separately the same data as it enters into the Treasury financial management software (FMIS). This requires a compatible accounting software.

## **1.2 Transfer of Budget, Finance, and Strategic Planning functions from other agencies to the judiciary**

Activities under this contract subtask are included above under section 1.1, see specifically 1.1.1(B), and 1.1.2(D), and below in strategic planning.

## **1.3 Strategic Planning: Assist the judiciary to develop and implement its own vision and strategic plans**

### **1.3.1 Strategic Planning.**

The HCC preoccupation with judge election eliminated long range planning as a viable activity early in Year 2<sup>3</sup>. SPP and the first HCC Secretary General (SG) agreed that the Council would not be interested in this subject until after completion of the judge election process. SPP attempted to generate HCC support for strategic planning itself and for starting the process fairly early in 2010. SPP drafted a descriptive memo about strategic planning for the HCC with the intent that it be circulated to HCC council members; the memo was translated and provided to the Secretary General in December. Unfortunately (as indicated above in section 1.1.1), the SG did not distribute the information to Council members and SPP started over in February 2010.

SPP met with the HCC President in February 2010 and approached strategic planning as a management, organizational, and financial tool, stressing that creation of a judicial system strategic plan can organize efforts behind the goals, that it justifies requests for additional budget appropriations, and that it assists donors, attracts money, and permits the Council to manage donor work. SPP proposed that the project could make a short presentation to the Council to explain concepts and outline the action needed, and then the President and/or the Council could decide how to proceed. Scheduling and preparing for that presentation took far more effort than justified for such a straightforward task.

On June 9, 2010, SPP and its consultants delivered a presentation to the HCC on the strategic planning process, the value to an organization to engage in strategic planning, and the results to be expected from the process. All members of the HCC were present with the exception of the President of the Council and the Minister of Justice. After the

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<sup>3</sup> The tasks and issues related to judge election have been outside the scope of SPP work, and SPP has endeavored to avoid involvement with the process. The principal part of the HCC job was finished at the end of the first quarter. On December 17, the High Court Council published on their official website a list with the names of 1,531 Judges which it elected for permanent tenure of office. Since these people were already serving as judges, their election was final by the HCC. The HCC also decided on 885 candidates nominated for first time judgeships. These were required to be submitted to the National Assembly, and 884 of the candidates from this first time judge list were elected by the National Assembly on December 29, 2009.

presentation, the HCC members asked the consultants a few questions and then engaged in a discussion that was similar to the type of discussion an organization's strategic planning team would have in their initial meeting. Council members expressed support for engaging in strategic planning.

Once SPP had the agreement from the Council and its President to undertake strategic planning, organization of the process proceeded fitfully due to difficulties in getting decisions and commitments from the HCC. SPP envisioned a process that will include two or three working retreats. It was difficult and took over a month simply to get agreement from the HCC on a date for the first retreat. Finally, SPP received a commitment for October 7, 8, and 9 to conduct that first retreat. Other issues that required persistence and repeated communications and discussions concerned which Council members would attend, and whether any (and then which) Council members could be interviewed by the facilitators before the retreat. The facilitators were finally able to interview many of the Council members, but not the Council president.

At the end of the program year, SPP was concluding logistical and program preparations for the first strategic planning retreat which was still scheduled for early October.

### **1.3.2 Increasing transparency and public support.**

SPP worked to obtain media coverage and coordination of the MOU signing ceremony, reported in section 1.1.1A, above. The event generated wide and favorable coverage. There were few other occasions for publicity for the work done in this part of the project. The preoccupation of the Council with judge election issues and failure to address institutional issues (as discussed above) also impacted the Council's transparency. The Council was not willing to address operational transparency, and the intensive scrutiny and criticism generated by the judge election process made the Council wary of seeking out publicity opportunities.

#### **A. Planning.**

Starting late in the third quarter, SPP held a series of meetings to determine the ongoing media and outreach efforts of other projects and to get the users' and media's perspectives on an effective communications and outreach strategy for the courts and HCC. SPP met with OSCE, IREX, IMG, and private media consultants. In the preliminary efforts leading to the first HCC strategic planning workshop scheduled for October 2010 (the first month of project Year 3) (See workplan section 1.3.1, above), transparency of the HCC was an issue that most Council members seemed willing to address in the planning process.

#### **B. Transparency.**

The year 2 work plan contemplated that the HCC would possibly address the issue of transparency in an organized manner documented in an HCC strategic plan. Since the strategic planning was not addressed by the HCC in year 2, the SPP did not actively pursue the development of a transparency and outreach planning process. The SPP is currently working with the HCC members on the development of their strategic plan. SPP discussed raising the subject of transparency and outreach with the strategic planning facilitators as they guide the HCC through the various elements to be addressed in the HCC strategic plan. The treatment in the strategic plan of transparency and outreach will guide the SPP activities in this area during the Year 3 workplan.

#### **C. Media Training.**

The draft systemization plan for the Administrative Office of the HCC includes a position titled "Public Relations Officer" in the cabinet of the HCC President. The position is scheduled to be filled early in project year 3. Based on the background and qualifications of the individual selected for this position, SPP plans to invite the individual to participate in the media skills training provided to judicial system leaders during Year 3.

#### **D. Public Forum.**

Plans for a public forum on the benefits and responsibilities of an independent judiciary were completed late in workplan year one. The determination was made to delay implementation until after the judge appointment crisis was over. The SPP continued to monitor the judge appointment situation and determine that a public forum on judicial independence should continue to be delayed. A decision will be made on the status of a public forum after SPP has had the opportunity to examine the content of the strategic plan adopted by the HCC.

### **I.4 Project Management Training: Assist the judiciary to learn how to manage, plan, implement, and monitor discrete projects and programs funded by donors or Serbian agencies**

SPP explored the availability of a local expert with knowledge and experience in working with the donor community. The initial discussion centered around the possibility of providing a training program for HCC staff and select court presidents on the availability of donor funds and how to go about applying for those funds. The training would also include a module on the format and justification required to apply for such funds and the record keeping and reporting requirements of the various donor fund programs.

The training was not conducted in year two as contemplated in the year two work plan because the HCC did not approve the AO systemization plan that included a position to coordinate the donor program.

#### **Other relevant information:**

The EC funded ECO project (referred to in many SPP monthly reports) was terminated suddenly on March 31, 2010, by a decision of the European Union. This left SPP as the only implementer and USAID as the only donor actually providing assistance to the HCC.

*Auditor General's Report.* During the program year the Serbian State Auditor released the first audit report of a limited audit that comprised only 27% of budget funds. The findings of that report contained valuable support for SPP efforts to structure the HCC financial management capacity for performance in a responsible and accountable manner. The findings also made the HCC reluctant to proceed quickly with acquiring people for the Administrative Office.

The audit report indicated that the biggest problem was public procurement, with as much as 2 billion dinars spent on public procurement in the "gray zone," i.e., purchases made contrary to the regulations. The regulations were most often abused by resorting too often to emergency proceedings instead of applying the more strict regular procedures. The report also faulted labor practices (all ministers were found to have signed temporary service contracts with private persons contrary to labor law), paying overtime (overtime was paid although there were no records to show that there was any overtime work done),

and expert services (contracts signed with persons with whom it should not have been possible to sign such contracts).

## **TASK 2: ASSIST THE JUDICIARY IN MAKING THE ADMINISTRATION OF JUSTICE MORE EFFICIENT, TRANSPARENT, AND RESPONSIVE TO THE NEEDS OF ITS USERS**

This Task is focused on improving court administration and case management in Serbian courts. One SPP goal is to have trained professionals performing court administrator work in the larger Serbian courts. Throughout this section of the workplan, reference to a court administrator/manager refers principally to the long term goal for a separate position, and also to the potential that some courts may redefine an existing position.

No.	PERFORMANCE OBJECTIVE
5	After two years, a career track for court managers/administrators is in place, and the authorities have approved a plan for placement of court administrators throughout the court system. [1]
6	After three years, trained professional court administrators/ managers are working in key positions. [5]
7	After four years, additional trained court administrators/managers are working within the system. [6]
8	After five years, all the positions identified in the plan for placement of court administrators have been filled. [13]
9	After four years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts has been reduced. [10]
10	After five years, the average case processing time in selected courts has been reduced. [15]
11	After five years, substantial progress is noted for Factor 28 (Case filing and tracking systems) of the Judicial Reform Index. [14]
12	After five years, substantial progress is noted for Factor 18 (Case Assignment) of the Judicial Reform Index. [14]
13	After four years, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel. [9]
14	After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in the courts. [11]

**2010:** Performance **Objective 5:** Achievement of this performance objective is highly probable but delayed. Performance **Objectives 6, 7, 8:** Achievement of each performance objective is on target and highly probable. Performance **Objective 9:** Achievement is on

target and highly probable. Performance **Objective 10**: Achievement is on target and probable. Performance **Objectives 11, 12**: Achievement of each performance objective is on target and highly probable. Performance **Objectives 13, 14**: Reform activity makes some progress probable; achievement is unpredictable.

### **Court Administrators, Objectives 5-8.**

**Objective 5**: Court Administrator career track and placement plan in place by 2010. This performance objective was not completed within two years. SPP completed the needed preparation work but full implementation required timely action by the Ministry of Justice, and that MOJ action did not occur. Early in Year 2, the Book of Court Rules introduced the court manager position. A more detailed career track and placement opportunities were developed by SPP in Year One and Two and were presented to the MOJ for approval in the first half of Year 2. The implementation of the new court network postponed implementation by the MOJ of the general staffing plan that was approved by the Ministry of Finance. Permanent court staffing approval by the MOJ occurred late in Year 2. Although the MOJ agreed with the concept that the court manager should be the highest non-judicial staff position in a court, the approvals of court staffing plans authorized the court manager position at varying salaries and status. At year end SPP was engaged in efforts to have the MOJ correct these approvals. The career track cannot be completed until the current positions have a logical uniformity. The long term staffing plan contains criteria courts have to fulfill in order to have court managers approved. SPP expects this objective to be achieved in the first half of Year 3.

**Objectives 6, 7, 8**: To have trained Court Administrators working in the system (Objective 6: in key positions by 2011; Objective 7: in additional places by 2012; and Objective 8: in all places designated in the plan by 2013.). Objective 6 is partially, but not yet fully accomplished, and should be completed within the first half of Year 3. The court manager position was created and authorized for key courts in the second half of Year 2. The first court manager was hired by the Higher Court in Belgrade in June 2010. Filling the other key positions was then systemically delayed by the HCC position that acting court presidents could not hire court managers. As of the end of Year 2, eleven more positions have been authorized for key courts but the courts are not able to fill those positions. Hiring of the other court managers directly depends on the appointment of all permanent court presidents by the HCC and National Assembly. SPP expects that the remaining eleven court managers will be hired by permanent court presidents early in 2011. Training of these court managers will then follow shortly upon their selection using a curriculum prepared by SPP. Hiring of other court managers in Years 4 and 5 will depend on the long term staffing plan, budget situations, and the performance of the first court managers.

### **Case Management, Objectives 9-12.**

**Objective 9**: The target of reduction of backlogs by 2012 is underway and some progress has been achieved. Conversion to the new court network has affected both the work to reduce backlogs and measurement of progress. Impacts came from the combined effect of new courts with changed court jurisdictions and court locations, the new acting court presidents, the significantly smaller number of judges and court staff, reassignment of cases, re-starting some cases due to that reassignment, and new case management software. All courts SPP worked with had showed success in reducing backlogs by the end of 2009, but as a result of the reorganization, in Year 2 the number of backlog cases increased in some courts. Data being reported by courts did not accurately track backlogs, so SPP developed

tables and reporting templates for selected courts in the hope of obtaining accurate results by the end of 2010. In the early part of Year 3 SPP will continue efforts to spread backlog reduction efforts around the country with an eye toward creation of a national backlog reduction strategy. In Year 3, SPP will continue to work on backlog reduction and case processing efficiency by introducing both components in all selected courts.

**Objective 10:** Reduction in case processing time in selected courts by 2013. Success in this area greatly depends on decisions of the HCC and MOJ related to courts: whether to increase the number of judges and court staff in some of the courts; whether to support their training in how to handle cases and set priorities; whether to change any of the laws that became effective January 1, 2010, in order to enhance efficiency; and decisions concerning court budgets. Regardless of those decisions, progress is underway and reductions will be achieved in some courts.

**Objective 11:** Progress in JRI Factor 28 by 2013. The Judicial Reform Index (JRI) is a measurement tool implemented by ABA CEELI / ROLI. Factor 28 is: "The judicial system maintains a case filing and tracking system that ensures cases are heard in a reasonably efficient manner." In Year 2, SPP efforts on case management were reflected in changes of the Book of Court Rules which prescribed improved case numbering and new reporting rules and deadlines, mandatory for all courts. In the first six months of 2010, the MOJ and HCC could not produce accurate statistical data about the numbers of pending and backlog cases in the new court network. During 2010, the MOJ undertook to introduce a new case management software in all Basic and Higher Courts (later to be expanded to all other courts and court units). That software includes establishment of a tracking system that will permit monitoring of whether cases are heard in a reasonably efficient manner. Migration of case data between courts in the old and new networks has reportedly produced many technical problems. SPP will continue to assist courts, MOJ, and HCC to produce more accurate statistical data and to use case tracking as a management tool. Wider use of case management software by late 2010 should also assist progress on this factor.

**Objective 12:** Progress in JRI Factor 18 by 2013. The Judicial Reform Index (JRI) is a measurement tool implemented by ABA CEELI / ROLI. Factor 18 is: "Judges are assigned to cases by an objective method, such as by lottery, or according to their specific areas of expertise, and they may be removed only for good cause, such as a conflict of interest or an unduly heavy workload." SPP efforts in Year 2 focused on two separate activities: 1) assisting MOJ to introduce new case assignment provisions in the Book of Court Rules and 2) establishment of a working group on case weighting that started in mid-2010 that should produce more objective criteria relating to caseloads and case assignments. The provisions introduced into Article 49 of the Book of Court Rules articulate the goal of "an equal caseload to all the judges in the court," and require sorting newly filed cases according to their urgency and type of proceedings, and then assigning the case using the method of random selection of judges. During visits to selected courts in Year 2, SPP learned that most courts had allocated and reallocated cases evenly and fairly among judges, that the new case allocation process in the new case management software caused numerous problems, and that in larger courts cases are still allocated manually. The MOJ acknowledged those difficulties and is currently working to amend the software that will lead to assigning cases by an objective method. In Year 3, SPP work on Case Weighting will assist introduction of a system of sorting the cases by weights, which could be later incorporated in the case management software. Wider use of modified case management software in Years 3 and 4 should also assist progress on this factor.

## **Anti-corruption and Transparency, Objectives 13, 14.**

**Objective 13:** In 2012, a lower percentage of court users report bribery. It is very difficult to predict an outcome for this objective. SPP work focuses on actual improvements to the court system, and as reported in year 1, nearly everything SPP is doing has an effect on preventing corruption. Better court management, better judicial management, training, faster case processing, reduced backlogs, more openness about court proceedings—all of these will improve the operation of the system and should reduce actual corruption. SPP will continue to monitor polling results in the area of corruption and will seek to supplement these polling efforts to track court corruption.

**Objective 14:** By 2012, greater openness of and information about courts, and reduced perception of corruption. It is very difficult to predict an outcome for this objective. In Year 2, SPP initiated activities related to transparency and public support of the judiciary. SPP engaged a local consulting firm and conducted three regional focus group sessions of persons knowledgeable about the judiciary and the courts, including judges, lawyers, litigants, and NGO and media representatives. These focus groups included efforts to elicit opinions about accessibility of information about court procedures and court cases, and about perceived and actual levels of corruption in the legal system. Data obtained in Year 2 will help SPP to focus more on Year 3 activities leading to improvement of the public image of selected courts. Also during Year 2, SPP worked with selected courts to increase the public release of positive information about court progress. In Year 3, SPP efforts to increase public outreach by courts will include attention to media skills and development of outreach strategies.

### **2.1. Establish and implement a staffing, recruitment and training plan for court administrators/managers, including long term financing. Have court managers/administrators trained by SPP working throughout the judicial system. Establish a career track for court administrators.**

#### **2.1.1 Assessment and Working Group.**

##### **A. Needs.**

By canvassing courts to assess court manager needs, SPP expected to learn about both the level of knowledge about the court manager position and about management issues in courts. Part of assessing the level of knowledge was to determine how successfully SPP had educated judges about the new position and about concepts of better management. The assessment was a successful tool, and revealed a reasonable level of success in spreading the message to Serbian courts. SPP and the Judicial Academy cooperated on preparation and distribution of a questionnaire regarding court management to more than 85 acting court presidents. By March 31, SPP was informed that approximately 30 courts had requested the position of a court manager. In response to the question about the 'intended use for a court manager,' most responses related to court finances, human resources, and management of the court facilities.

##### **B. Working Group.**

One of the first impacts on SPP of the new judge and court network occurred at the first 2010 meeting of the Court Administrator/Manager Working Group (WG). Four members of the group had previously been judges (and three of those had been court presidents), and



now they were non-judge members of the working group wondering about their ability to contribute in the future. SPP took the position that judge members of the WG who were not elected should remain members of the WG since they were originally selected based on their competence and experience, and could continue to contribute to the work of the group.

Optimistically, but in hindsight a bit naively, most members of the Court Administrator Working Group believed that the late 2009 success at including the Court Manager position into the Book of Court Rules meant that the group had reached its major goal and could now slow down a bit. The inclusion of the position into the BCR was correctly viewed as a major achievement, but the number of issues remaining before court managers would be hired and start work turned out to be frustratingly high. Over the remainder of the year, SPP and the WG would grapple with further issues such as the process for selection of courts, changing the standards for that selection based on the MOJ not approving work by a court manager for more than one court (the issue of a “joint services” management and procurement arrangement), restrictions on approving the position, refusal and then delay in approving staffing plans, possible opposition to the position from the HCC President, a bar for acting court presidents to hire a court manager, and the issues of a discouragingly low and not-uniform salary for the position.

In February 2010 the working group selected three areas of work: 1) Selection of courts and candidates for Court Managers; 2) Training of Court Managers; and 3) Monitoring and Evaluation of Court Managers.

Progress in these areas required repeated meetings, sometimes repeated within the same week, with members of the Working Group, especially the chairperson, with officials at the MOJ, and with people at the HCC and Supreme Court of Cassation. Although progress was slow, there was progress. The MOJ indicated support for the court manager position, especially for the area of court financial management, but then decided that the Chief Justice would first need to approve the position, and following that, the Minister of Justice would make the final decision concerning implementation. On April 23, SPP finally received feedback from the Ministry that there should not be any problems with approving systemization acts for court managers. During this time, SPP had been discussing with the MOJ criteria for the selection of courts to receive the position in 2010.

SPP directed the WG toward development of a long range plan for selection of courts for court manager positions and long-term financing of the positions. The WG then discussed matters related to Joint Services purchases, how to allocate expenses to the budgets of multiple judicial bodies in Palaces of Justice, the interface between local court budgets and the supervisory budget authority of the High Court Council, and whether costs of court proceedings should be apportioned between the court and the prosecutor’s office. The WG and SPP developed plans to hold a working meeting with the presidents of the courts that have received approval of the court manager position to advise them on the processes for recruiting and selecting the best possible candidates for the positions. That working meeting will occur after permanent court presidents are appointed.

### C. Create/Redefine position.

The implementation process designed by SPP focused first on creation of the position, and then on filling positions. As part of both ends of that process, SPP work included creating a demand for the position, so that courts will want to have the position and fill it with a qualified person. Starting in October and continuing into December, SPP worked toward

publicizing the work at the December Kopaonik law conference. On 15 December 2009, SPP COP Ken Stuart spoke at the Kopaonik, Serbia, “School of Natural Law” Conference as the principal presenter in a program focused on “Trial Within a Reasonable Time.” His remarks centered around ongoing and future judicial system reforms in Serbia, and included a discussion of the new court manager position, case backlog reduction, case management and case processing techniques, and case weighting. He also took part in the panel discussion which followed the presentation. The session was attended by approximately 70 lawyers and judges from throughout the region.

In late May, the High Court Council decided that the appointments of court managers should be made by permanent court presidents and not by the current acting court presidents. This position of the HCC appeared to be based on the view that the court manager is a very important managing position in a court, and that allowing acting court presidents to hire court managers would indicate that those acting court presidents will be appointed as permanent presidents. The HCC did not want to give that indication.

As part of the organizational process, SPP presented information to the MOJ on the status and salary of the court manager position in other jurisdictions and on fitting it comparably within the staffing of the judiciary and government of Serbia. This information included research and analysis of current laws and regulations related to upper level non-judicial positions within the judiciary and the Civil Service. As a result, the Ministry of Justice agreed to provide the highest possible status and salary to court managers that is possible under existing legislation, and also expressed the intention to amend the laws affecting the position of Court Manager (including the Law on Court Organization) to insure that Court Managers in the future secure an appropriate status and salary.

In year 2 SPP completed an initial draft of a ‘Long-Range Plan for Implementation of the Court Manager Position in Courts: A Framework and Criteria for Selection of Courts.’ SPP also started work on a draft of a career track plan for court managers. In discussions, the Ministry of Justice has responded positively to the proposed long-range plan and criteria of SPP and the WG for selection of courts to receive the position in the future, and to the proposal of SPP that an informal group be formed with members from MOJ, SPP and the WG to address at an operational level and on a continuing basis, the status, salary, and long-range implementation of the position in courts. At the end of the program year, that long range plan has not been taken up by the Ministry of Justice.

**Approved positions.** By the end of July, the MOJ had approved systemization acts for most of the courts. The following twelve courts received approved court manager positions: all four Appellate courts (Belgrade, Novi Sad, Nis, and Kragujevac), two Higher courts (Belgrade and Nis), two Basic courts (Belgrade and Novi Sad), two Misdemeanor courts (the Higher Misdemeanor court and the Misdemeanor court, both in Belgrade), and two Commercial courts (the Commercial Appellate court (in Belgrade), and the Commercial court in Nis). Restating that list by cities: Belgrade -- six court managers (Court of Appeals, Commercial Appellate court, Higher Misdemeanor court, Higher court, Basic court, and Misdemeanor court); Nis – three court managers (Court of Appeals, Higher court, and Commercial court); Novi Sad – two court managers (Court of Appeals, and Basic court); and Kragujevac – one court manager (Court of Appeals).

Although the positions were approved, the status (and therefore salary) for the positions varied from court to court. Some courts were approved for a court manager in the salary position of a “higher” advisor (highest pay category), some were approved to hire a court

manager at the status of a “simple” advisor (at a much lower status and pay grade), and some were approved at the status of an “independent” advisor (a middle ground status). The MOJ strongly supports introduction of court managers as the highest non-judge position in the court. SPP asked MOJ higher officials to intervene to standardize status and salary at the higher level and received a positive response from them. However, MOJ representatives stressed that amending the systemization acts might be necessary; this is a complex, time consuming procedure which might cause certain problems and delays. Going into Year 3 SPP is continuing to communicate regularly with the MOJ in order to lift court managers into an appropriate group of state employees that will correspond to their work, status and responsibilities.

**First court manager.** In spite of these impediments, in July the Higher Court in Belgrade relied on the changes introduced by the new Systemization Act and appointed a Court Manager. Zoran Aleksić thereby became the first Court Manager in Serbia. Mr. Aleksić is an experienced manager, worked for a decade as the Director of Joint Services in the District Court of Belgrade, and as of this year in the Higher Court in Belgrade, and has been a prominent member of SPP’s Court Administrator Working Group. Under the new Systemization Act of the Higher Court in Belgrade, his previous position ceased to exist, so the Acting Court President appointed him to the newly established position of the Court Manager. Mr. Aleksić obtained the new position without any hiring process or competition, and he obtained the same status and salary grade that he had before as the Director of Joint Services.

#### D. Establish career track for court managers.

The report of the Court Manager Working Group at the end of Year 1 included the identification of existing staff positions within the courts that will feed into a career track for court managers and for managerially enhanced positions of Court Secretary. Completion of the career track has had to trail the completion of creating the court manager position and resolution of the status issues. This area of work will receive more attention in Year 3 of the SPP.

#### E. International cooperation.

Four SPP representatives (two of them SPP staff) attended the fourth Conference of the International Association for Court Administration (IACA) in Istanbul, Turkey, November 2-4, 2009. SPP sponsored the attendance of two Serbian counterparts, Nada Djordjević, the Secretary of the Court Administrator Working group and of the Second Municipal Court in Belgrade, and Ana Stamenić, the Secretary of the Novi Sad District Court and also an active member of the Court Administrator Working Group, both of whom appeared to be strong candidates for future court manager positions in Serbia. On behalf of SPP, Task 2 Manager Sonja Prostran presented to the conferees a brief summary of judicial reforms in Serbia and activities of USAID and SPP including establishment of the Court Manager position. After that presentation, the President of IACA invited SPP to submit an article on court administration reform in Serbia for publication in the IACA Newsletter. The article was drafted by Task 2 staff, submitted and published.

At the meeting of the SPP Case Management Working Group on November 27, the two Court Secretaries who attended the IACA Conference made a presentation about what they learned and experienced in Istanbul.

The exposure to IACA and experience in focusing on court system management issues paid off for Ms. Stamenić and for the judicial system in Serbia, but not as SPP had intended. She

did not become a court manager, but instead was appointed as a judge in the Novi Sad Basic Court effective January 1, 2010. By the end of the project year, she was also serving as the deputy court president for that court.

### **2.1.2. Training curriculum development.**

Both in the workplan and in actual implementation, a great deal of SPP focus is on training. SPP's approach for training of people within the court system has been to accomplish both the training and sustainability of the training through the Judicial Academy (JA). During the year, the Judicial Academy developed as an institution. It was created by statute to become an operational organization effective January 1, 2010. Members of the Managing Board of the Judicial Academy (JA) were appointed in May, and they held the Academy's formal organizational meeting in June. The Board adopted rules of procedure, appointed members of the Program Council (including persons suggested by SPP from its working groups), and hired Nenad Vujic as the "permanent" Director of the Academy.

In order to coordinate all of the various activities between SPP and the JA, SPP used the MOU executed in December 2009 with the JTC and created an Advisory Committee (AC) to meet periodically and to assist implementation and resolve issues. That Advisory Committee (AC) met formally two times during the program year: February 25 and August 19, and a third is scheduled for the first month of Year 3.

At its first meeting, the AC agreed that its role should be to establish more formal channels of communication between the two organizations; that it should not become a working group but remain an advisory body to insure that all activities of the two organizations in the area of training be clearly understood and coordinated; that it should measure progress, discuss new developments in the judiciary and act accordingly, and share ideas and views. The AC agreed to meet at least quarterly, and more frequently if needed, and appointed Nikola Vojnović from SPP and Dusan Spasić from the JA as co-chairs.

SPP curriculum expert Ingo Keilitz completed three weeks of on-site work in April, and produced a first draft of the two Orientation curricula (training in Court Management subjects for Court Managers and for judges (court presidents or other judges with court leadership responsibilities). The orientation training for court managers is designed as an extensive five day training, and the court president training is designed as a two day training. Those draft curricula were translated and provided to the members of the Court Administrator WG and the Case Management Working Group for review and comment. The two working groups had some discussions on the curricula, but did not provide any formal suggestions for change. In order to obtain some momentum for training and some favorable publicity for USAID and the Judicial Academy, SPP and JA agreed to a public ceremony for the transfer of those curricula. That transfer ceremony was scheduled to occur early in Year 3 of the SPP project.

During the discussions with the Judicial Academy, the JA advised of the need for a third curriculum (in addition to the two mentioned above). As a result of the large number of first time judges now in the courts, the JA assessed a high need for training of new judges in individual case management, i.e., the basic judge skills for handling a case efficiently. The Academy's current training module for this purpose is out of date and consists only of articles of procedure from various codes. In its place, SPP will design a training module that incorporates techniques and skills for effectively and efficiently processing cases within the

framework of the codes of procedure. Toward the end of the program year, SPP brought Judge Carolyn Temin (from the U.S.) to develop the individual case management curriculum.

## **2.2. Establish a training program for the judiciary that will equip it to manage courts more efficiently, transparently and responsively**

As stated in section 2.1.2, above, SPP's approach to training for judges and court staff has been to work with the Serbian judicial training institution. In Year 1 that was the Judicial Training Center NGO, which became the government supported Judicial Academy (JA) during Year 2. The JA became operational in January 2010, and SPP co-organized trainings with the Academy and worked continually with the JA for development of appropriate training programs.

### **2.2.1 Training for court staff.**

#### **A. Training.**

Training of the first court managers was a sliding target throughout the year. When SPP succeeded in including court managers in the Book of Court Rules in December 2009, everyone believed training of those managers would occur within a few months. The target dates for those trainings (and SPP preparations) shifted repeatedly due to delays in approval of court systemization plans, delays in uniform status for the position, lack of permission for acting court presidents to hire court managers, and delays in appointing permanent court presidents. By the end of the project year, it appeared that permanent court presidents will probably be appointed in December 2010, thereby again shifting training of court managers, this time to early 2011.

The JA was not the only entity interested in court staff training. On June 9, SPP met with World Bank MTDF consultant Kate Harrison to discuss status and training of court staff, and on June 11 with Snezana Zivanovic, President of the newly established NGO of court staff, to discuss possible cooperation in training and other areas.

#### **B. Study tour.**

SPP had planned that following the appointment and initial training of the first group of court managers, SPP would take some of them on a study tour to learn about good practices in court administration, potentially to the Netherlands. Due to the delays in implementation of the position (see 2.1.1C), and unpredictability of their initial training, the study tour has been deferred to Year 3.

### **2.2.2 Judicial Training.**

Similarly to training of court managers, factors outside the control of SPP delayed trainings for court presidents. First was a decision that the acting court presidents who took office in January 2010 should not receive a course of training. Although this decision was never explicitly explained, it seemed to rest on the assumption that temporary court presidents did not need to be trained, and the training should be earmarked for the permanent office holders. Second was the delay in appointing the "permanent" (or full term) court presidents. By the end of the program year those permanent court presidents had not yet been elected and the process for their election had just been started by the High Court Council.

In order to determine the training needs of court presidents, SPP designed a questionnaire to elicit information and assisted the MOJ with distribution of those questionnaires. The questionnaire was sent out by the JA in the second week of March. The results were shared with SPP for use by its expert in curriculum development and for use by its working groups on court manager and on case management.

The date in 2009 the HCC would complete judicial elections was adjusted several times while the HCC worked away at the election process. As a way of improving court efficiency, SPP was committed to helping with new court president training, and these sliding judge election dates created problems that required significant SPP flexibility. The initial dates for training were December 11 and 12. During December SPP had several meetings with the MOJ, Supreme Court and JTC/JA to plan trainings for newly appointed acting court presidents for those dates, and then for the new dates of December 21 and 22. However, the election of judges by the HCC did not take place until December 17 and 18, and, consequently, the appointment of acting court presidents did not happen until December 27.

The first day of court president training was reset and finally held on December 28 as a joint enterprise between the MOJ, the Judicial Training Center, and SPP. The training was held in “Yugoslavia” Hall of the Federal Palace of Serbia. This training event was titled: *Operation of the New Court Network through the implementation of the Book of Court Rules: Challenges for Acting Court Presidents*. Most of the Acting Court Presidents appointed by the High Court Council were new to this position, and had no previous experience in managing courts. Because of this lack of experience, the priority of the MOJ was to stress the importance of the new Book of Court Rules (BCR) and to present the major new policies that would be introduced in courts as of January 1. SPP priorities coincided with MOJ’s since SPP had actively participated in drafting many of the new BCR provisions. SPP also used the training as a good opportunity to further the efforts to inform and build support for court managers and the activities of the Court Administrator establishment committee.

The major changes in the Book of Court Rules that formed the heart of the program included introduction of the court manager position, case backlog reduction (including the SPP created guidelines for the annual case backlog reduction plan), allocation of cases, and reorganization of court staff in order to relieve judges of case-related administrative tasks. SPP staff assisted with moderating the program and helping with the Q&A session. The key Speakers at the training were Assistant Ministers of Justice Vojkan Simic and Dejan Pasic, Supreme Court Justices Snezana Andrejevic and Dusanka Marijanovic, and Judge Mirjana Tukar of the Misdemeanor Panel in Novi Sad. In his presentation, Assistant Minister Simic particularly stressed the importance of the USAID SPP work on judiciary reform in areas of court organization and administration. The event was covered by more than ten media representatives who had been invited by the Ministry of Justice.

SPP assisted the MOJ and JA in a second training for the newly appointed acting court presidents on January 12, 2010. The second training was for acting court presidents of basic, higher, appellate, commercial, and misdemeanor courts. There were more participants at the January training because misdemeanor court presidents were added and because some court presidents were accompanied by their deputy presidents. The January training continued discussion of the new Book of Court Rules, particularly in the area of court work plans and case allocations, discussed important issues arising from the December training, and included time for SPP to present and discuss the Court Manager position. SPP used that event to distribute to all courts the Report of the Court

Administrator WG and templates of systemization acts for court managers and court secretaries.

### **2.3. Reduce backlogs and improve case processing times in select courts and implement plans to reduce backlogs and improve case processing times in courts throughout Serbia**

#### **2.3.1 Steps to Reduce Backlogs and Case Delay.**

A. and B. Backlog Reduction and Continuous Information Collection.

The impacts of the court reorganization and judge elections were felt in November, two months before the effective dates. All courts reported difficulties; the common problem areas were case management (assignment, scheduling, access to case files), down time in December and January, and judge motivation.

Most of the court registry books were closed by December 15 and there generally were no trials from then until January 15. Emergency case related work continued. During that interval, the principal work was migration of cases and court staff and all other preparations for the new network. In order to make it easier for the courts and to assist with collection of the right kinds of data, SPP began in late November to develop a uniform reporting form that will elicit statistical data and information about case backlog reductions from the start of the program in May to the end of November 2009 (thereby producing data for a six-month period). SPP distributed the form in early December but only 4 courts supplied the data on the forms and returned them to SPP for analysis and conclusions. The Municipal Court in Nis was not able to provide their final report to SPP due the change of court leadership and transformation into the Basic Court in Nis. This created problems with the SPP final PBMP report for 2009.

After discussing case management issues with the Belgrade Second Municipal Court, SPP also inquired about assisting the court with preparation for the transfer to the new court network. The court president of that court agreed to have SPP facilitate a meeting of the court presidents of the five municipal courts in Belgrade. SPP scheduled that meeting for 6 November and invited the five court presidents. Four attended and the discussions focused on very practical issues, such as moving and locating case files. All agreed that the meeting was helpful, and that it would have been more helpful if it had been several months earlier in the process so that they all could have planned together.

Due to the changes in courts, court jurisdictions, and court leadership, SPP had to start over in 2010 with Backlog Reduction (BLR) efforts. SPP obtained commitments in February that the four new court presidents of the basic courts in Nis, Subotica and Vranje and of the higher court in Novi Pazar would continue backlog reduction efforts in their courts. SPP scheduled site visits to the four courts in the second week of March. The fifth court SPP had worked with during Year 1 and the beginning of Year 2--the 2d Municipal Court in Belgrade--was eliminated as a separate court by the court structural reforms and SPP stopped work with that court at the end of 2009.

SPP developed a template for the annual backlog reduction plan required of court presidents, and it was distributed at the training of acting court presidents on December 28. (See Section 2.2.2 above.) It included an outline or format for a thorough plan as well as a wide variety of case processing techniques that have proved to be successful.

As part of working with courts on case management, SPP conducts site visits. The March 2010 site visits to BLR courts were the first opportunity for SPP to get firsthand knowledge about the impact of the reforms and from these visits SPP gained better insight into the impacts. As related to SPP efforts to reduce backlogs, the effects of the reforms slowed progress, at least for the first six months of 2010. (In court visits in September 2010, some courts began to report slow progress.) During those March site visits, SPP observed some common themes:

- Backlog reduction was not a current priority in any of the courts. It had been one of the case management priorities in 2009, but since December 2009 the courts had been focused on reorganization, new judges, and simply coping with all the changes.
- Courts did not know the extent of their backlogs. Each court is providing weekly reports to the Supreme Cassation Court but those reports do not include age of case data and do not report backlogs.
- Computation of case backlogs had started in some courts but is neither an easy nor quick process. All courts have both lost and gained cases due to the changes in case jurisdictions and court assignments. Determining case backlogs requires manual tabulation and case inspection. Case reassignment has created organizational and management difficulties with handling the physical court files.
- Case reassignment to a new judge has created the possibility that many cases will have to start over from the beginning. This will push cases into backlog status that otherwise could have been finished in a reasonable time.

Other impacts of the court reorganization surfaced during the year. Briefly stated, here are more general observations from SPP based on visits to and discussions with many courts:

- Many of the Acting Court Presidents have court management problems and will benefit from training in subjects related to court management. The training areas that surface most frequently are management of human resources, finances, and court operations;
- Many courts assert that they do not have an adequate number of judges and staff, and there are many complaints that judges and staff are working too hard and will not be able to continue working at the same pace indefinitely. The complaints surfaced quickly, but over time it became apparent to SPP that some courts did not need more judges, and other courts definitely did. Nearly all courts needed additional judicial assistants to help the judges; most of those needs were recognized by the Ministry of Justice and courts were able to begin hiring additional judicial assistants near the end of the program year; and
- IT support structure and court funds are inadequate.

SPP wanted to expand the reach of case management techniques to additional courts beyond the four hold-overs from 2009. To select new courts, SPP set up a competitive process open to most courts. SPP established criteria for the selection of courts to participate in activities related to case processing efficiency and improving times within which cases are processed. The criteria include: strong court leadership and/or progressive court staff; IT infrastructure (ability of court to track cases electronically); average case processing times longer than statutory norms and/or case backlog in at least one case type; the number of court units; the numbers of judges, employees, and judicial assistants; ethnic populations within a court's territorial jurisdiction; and geographic proximity to current BLR courts. Based upon these criteria, SPP prepared a questionnaire and invitation letter to be sent to basic, higher and commercial courts. SPP received and evaluated responses from 25



courts and narrowed the selection process to eleven courts. SPP visited all of those courts. After the evaluation process, SPP selected courts that differed in size, jurisdiction, and geography.

After the selection process, SPP selected five courts to participate in backlog reduction activities (Basic courts in Vranje, Niš, and Subotica, and Higher Courts in Novi Pazar and Belgrade), and five courts to participate in case management (or backlog prevention) activities with the new and current cases (Basic courts in Čačak, Vršac, Užice, Sremska Mitrovica, and the Higher Court in Subotica). These courts planned to commence targeted work with cases on June 1 and to continue to the end of 2010. SPP sent letters to USAID, the Ministry of Justice, and the High Court Council notifying them of the selections and inviting comments. Responses from all three organizations were favorable.

At the end of May, SPP had conducted a workshop training for all of these courts (See also section 2.3.2, below.), and during June, all courts (except for the Belgrade Higher Court) completed the forms developed by SPP for Action Plans and submitted them to SPP for review and comments. As a result of changes in court management personnel (principally the court secretary), the Belgrade Higher Court delayed submission of its action plan to SPP. SPP needed to be persistent and finally obtained the action plan from that court in September.

During the first two weeks of July, SPP staff visited each of those courts to discuss implementation of their Action Plans and progress to date.

One area of work that proved to be difficult for the courts working on case management improvements was holding a case delay reduction workshop. (This was listed as Item 1.3 on the court action plans.) The purpose of such a workshop was to broaden the support and areas for improvement in case management and to include entities outside of the court itself. SPP had to push the courts to hold this workshop. Two months after starting their work, no court had yet held a delay reduction workshop with entities outside the court. In the process of working with the courts to conduct such a workshop it became apparent to SPP that the courts needed more assistance in order to complete that part of the process. To help the courts, SPP drafted and provided to the courts a set of guidelines on the best techniques for conducting a delay reduction workshop. SPP also provided some on-site assistance with three of the workshops. By the end of September, four of the five courts had completed the workshop and all reported positive results.

In November 2009, the SPP COP assisted as a presenter in a two day training program on plea bargaining. The training was organized by the US Department of Justice and was attended by 30 people (10 judges, 16 prosecutors, and 4 defense attorneys; 13 women, 17 men). The training was held in Ečka (northern Serbia), and the participants came from that general area. The availability of plea bargaining had been increased slightly by the 2009 amendments to the Criminal Procedure Code, and it is now available as a means to resolve cases carrying a possible maximum sentence of 12 years. The purpose of the training was to acquaint professionals with the provisions of the new law and to illustrate and let the attendees participate in the process.

In visits to courts in July 2010, including courts that had been exposed to the training mentioned above, SPP continued to receive information that plea bargaining was not being used. Judges reported that plea bargaining and the use of no appeal hearings (a summary non-contested trial) would speed up case resolution and reduce backlogs, but they were not

being used. From judge discussions with local prosecutors, they learned that there are policies applied by the Republic Prosecutor that inhibit use of these case management techniques. First, all plea bargains have to be approved in advance by the Republic Prosecutor's office. This lack of local discretion and bureaucratic process are strong deterrents to speeding up criminal cases. Second, local prosecutors are required to appeal court decisions, even decisions essentially stipulated to by the prosecutor's office (such as the use of an admission of guilt through a no appeal hearing), and have to obtain approval to waive appeal rights. This again is a Republic level deterrence to a speedier process.

SPP developed a template for the annual backlog reduction plan required of court presidents, and it was distributed at the training of acting court presidents on December 28. (See Sections 2.1.1B and 2.2.2 above.) It includes an outline or format for a thorough plan as well as a wide variety of case processing techniques that have proved to be successful. By employing effective case processing techniques, courts will be able to reduce the number of new cases that fall into the backlog.

Toward the end of the year, SPP discussed with Assistant Minister Simic the process of spreading backlog reduction efforts to all Serbian courts. The Ministry is very interested in efforts to reduce backlogs, Mr. Simic said that backlog reduction will soon be a topic at an HCC meeting. SPP agreed to produce a draft report for the MOJ to provide a basis for creation of a national strategy to reduce case backlogs, and SPP started work on drafting that report.

### C. Case Management Working Group.

For the first quarter of the project year, SPP work and the work of the Case Management Working Group were focused on including beneficial changes in court procedures in the Book of Court Rules. The SPP Case Management group met occasionally, but the members focused their efforts as subgroups and as participants in the revisions to the Book of Court Rules. SPP staff was included as a formal member of the MOJ Book of Court Rules (BCR) working group (WG) and staff members attended frequent meetings of that working group. For example, the BCR WG met nine times during October. In addition, SPP organized a three day retreat in Palic, Serbia, from October 29 to October 31, in order to draft the final version of the Book of Court Rules (BCR).

By the end of November, the BCR WG finished work on the new BCR draft, and submitted it to the MOJ normative department. Simultaneously, the MOJ placed it on its website for public access and debate. The courts or other interested commentators were able to submit their comments and suggestions by the first week of December 2009. Following the comment period, the document was given to the Chief Justice of the Supreme Court for opinion. The Chief Justice solicited opinions from her colleagues on the court and responded to the WG. On December 25 the Minister of Justice signed the new BCR which became effective January 1, 2010. This document is a very important bylaw that introduces new significant policies and regulations on how the courts will operate within the new court network.

The BCR final draft includes a number of SPP efforts and suggestions. These include:

- provisions on a court manager (the result of the CA establishment committee work);
- provisions on annual backlog reduction plans (the result of the recommendations submitted to the MOJ in mid-September 2009 and the work with BLR courts);

- provisions on case assignment (aimed at equalizing workload for judges and ensuring better access to the courts for the litigants);
- broader efforts at service of process;
- sections on duties and responsibilities of a court president; and
- provisions on case numbering.

During the year SPP had mixed success with the work of the Case Management Working Group. The individual members and the WG as a whole worked hard on the efforts to change the Book of Court Rules. After the intensity of that work faded, in the middle of the second quarter the WG decided to establish three subcommittees for its future work: 1) Development of BLR techniques (including mediation and ADR); 2) Development of Case Management training programs (for judges, judicial assistants, and key registry personnel); and 3) Implementation of the BCR (focusing on delivery, case allocation, and the preparatory department). Without the pressure of the deadlines created by the BCR work, the CM WG members floundered. SPP added new members to the group who brought brief enthusiasm, but all wanted SPP to direct their efforts. In concert with the chairperson of the WG, SPP chose to let the WG members choose the areas they believed would make the most difference. By mid-summer, it was apparent that the combination of the stress of the new court network and of the implementation of the changes from the 2009 work on the Book of Court Rules left little energy for the members of the WG to continually focus on further changes. Although SPP convened several meetings of the WG and worked with the chairperson to find new directions for the group, it was relatively inactive for the last half of the program year.

### **2.3.2. Training to Reduce Backlogs and Case Delays.**

On May 28 in Belgrade, SPP developed and delivered a training session for the management teams of the ten case management and backlog reduction courts of 2010 as they begin their work with SPP starting June 1 and continuing into 2011. The workshop was attended by 36 persons, including acting court presidents, heads of registries and staff from the 10 courts (3 per court), together with representatives of the Ministry of Justice, High Court Council, Judicial Academy and the court presidents of two courts that were considered but not selected for participation with SPP in 2010. As mentioned above, these ten courts are: Higher courts in Belgrade, Novi Pazar and Subotica; and Basic courts in Čačak, Niš, Sremska Mitrovica, Subotica, Užice, Vranje, and Vršac.

In some respects, work to bring new cases to conclusion efficiently and work to conclude old cases is similar because each focuses on the steps needed to close a case. The work is also fundamentally different in that case management work is targeting changes in court procedures so that every case can be handled more efficiently, and backlog reduction work is aimed at solving individual old cases. To guide the workshop, assist the courts in the process of planning, and identify SPP expectations for the courts involved in this work, the planning phase for the workshop included the development of two charts of proposed activities, one for the five case management (Backlog prevention (BP)) courts and the other for the five backlog reduction (BLR) courts.

The BLR chart assists courts with organizing the work that has been ongoing since 2009. The BP chart provides structure to the BP process by setting out steps that each court is expected to take; on the chart these ten case management improvement activities are labeled as “mandatory.” The chart also requires each court to select at least three of the 17 optional techniques and include them in their plan and their work.

### **2.3.3. Developing Weighted Caseload System and Timelines.**

Efforts to create the weighted caseload methodology for the Serbian courts covered the entire program year. They started with explanations to Supreme Court judges of concepts and attempts to generate support for the work at the “Judicial Days” conference in Vrnjacka Banja in the first week of the new program year (October 5 & 6). They included development of briefing materials for the Secretary General of the HCC, for the President of the HCC, and for a working group of the HCC. These materials were used for briefings of the two people who held the position of HCC Secretary-General (in November and again in February), of the HCC President (February), of the HCC working group looking at issues related to judge evaluation (February), of the HCC Advisory Committee (March), and finally of the entire HCC (mid-May).

On April 9, SPP staff met with Claus Decker and Srdjan Svircev of the World Bank and Ellen Kelly of USAID to discuss performance evaluation and performance indicators for the justice system. The main focus was on the need to engage HCC in the effort to develop performance evaluation and performance indicators for the justice system. SPP and the World Bank agreed that SPP work to develop a weighted caseload study would mesh well as part of the overall evaluation system.

On June 29, the HCC finally appointed a working group for Creation of the Methodology for Case Weighting consisting of experienced judges from different levels of trial and appellate courts to work with SPP. On July 8, the Working Group had its initial meeting in the premises of the High Court Council. SPP is providing expert and administrative/technical support in its work. At that initial meeting SPP explained the purposes of case weighting, the functioning of the working group, the necessary steps in the process, and the responsibilities and tasks of the working group.

The group met again in September for a process orientation and training and began its substantive work. As the project begins Year 3, this working group seems well-motivated and serious about working on its task.

### **2.3.4 Increasing Transparency and Public Support.**

**Case Assignment.** The SPP contract performance objective relating to case assignment calls for improvement in the JRI evaluation of the case assignment process (JRI Factor 18). The JRI methodology is a mix of objective and subjective data in a given area. Perceptions of improvement are likely to follow the SPP work to produce substantive improvements, so that Factor 18 would be influenced in a positive way. When SPP started, USAID planned to perform an updated JRI in 2010. USAID began the process to implement that evaluation but was unable to reach agreement for JRI implementation in 2010. JRI data will be collected at a later time.

Two areas of SPP work during the year focused on potential substantive improvements in the area of case assignment. The final version of the Book of Court Rules has provisions relating to case assignment which introduce major changes in this area. One of the articles provides an optional screening (preparatory) department to sort cases by type and complexity to assist in equitable assignment of cases and balancing of caseloads. The second area is the work to develop a weighted caseload.

In addition, in implementing the new court network the courts themselves focused on a more equal distribution of caseload to the smaller number of judges. SPP learned that a few courts assigned cases by number, but the majority of courts attempted to sort cases in a way that will provide a more equal workload. This effort, the ongoing and future work of court preparatory departments, and the final case management software under development by MOJ should lead to actual improvements in case assignment.

#### A. Generating support.

P-BMP. A portion of SPP goals relate to improving perceptions of the court system. During March 2010, SPP held a series of internal meetings to discuss IR 1.3 of the Performance-Based Monitoring Plan (P-BMP) related to transparency and public support of the judiciary. SPP, after a tender process, decided to engage the local consulting firm Ipsos Strategic Marketing to conduct three regional focus group sessions of persons knowledgeable about the judiciary and the courts, including judges, lawyers, litigants, and NGO and media representatives.

The focus group sessions took place in Belgrade on April 20, in Novi Sad on April 21, and in Nis on April 22. Guided by questionnaires, participants expressed and discussed their opinions about different subjects relevant to SPP work: confidence that a judge would handle the case fairly; the extent of support for reforms that will make the judicial system and courts more independent; accessibility of information about court procedures and court cases; and perceived and actual levels of corruption in the legal system.

The focus group discussions provided a rapid appraisal baseline and reconfirmed what SPP previously learned from other opinion surveys, *i.e.*, that the judiciary has significant credibility issues when it comes to corruption and fairness. SPP's future work includes developing an outreach plan and communication strategy for the courts and HCC to address these perception issues. The results of SPP's work will be tracked when similar focus group discussions are conducted again in 2011 and 2013.

#### B. Media Training.

Outreach trainings have been delivered to the courts in the past several years by international organizations. On June 14, SPP representatives met with Ivana Radmadanovic and Borko Nikolic, representatives of the OSCE Rule of Law and Human Rights Department, to learn more about OSCE involvement in public outreach by courts and to exchange information about current activities and future plans. On June 15<sup>th</sup>, SPP met with Halvor Gjengsto and Labud Raznatovic of the European Union funded Improving the Delivery of Justice in the Courts in Serbia (IMG) project to discuss their outreach and transparency activities, and to exchange information about current activities and future plans.

Following the meetings SPP had with IMG and OSCE aimed at outreach strategy, SPP continued efforts in this field, and attended the OSCE seminar for court spokespersons held on 2-3 July. The seminar was focused on training of the spokespersons in public relations and on efficient communication with the media. SPP participated in the seminar with the intent to learn more about OSCE activities in court outreach and to meet potential partners for future SPP activities. Topics addressed were: creation of a communication strategy; internal and external PR; means of communication with media; establishment and improvement of media relations; types of media and their particularities; meeting with a journalist; TV interviews and public appearances; public relations in crises; and basic elements and rules of protocol. A majority of spokespersons present had been appointed

on January 1, 2010, and many did not have experience or even basic knowledge in this field. At the end, the participants highlighted that future seminars of this type should include court presidents as well as spokespersons.

Affecting local perceptions also was an element of SPP work with courts on case management and backlog reduction. At the beginning of the July site visit meetings with every court, SPP explained to court team representatives and spokespersons that one part of their activities should include outreach efforts. They were given a model of a short press release statement about the SPP visit and were advised to update it to include their local information and to send it or a similar statement to the local media. For the SPP visit in September, SPP planned that every court would have a media event, such as a press conference, where the court and SPP (and possibly representatives of some other state bodies which are included in activities) will present activities, progress, and the first results of the project.

Those media events took place at the end of the program year. These events shadowed the management skills of the court president and local court leaders. Courts that had been progressing successfully in implementation of the case management improvements, organized and conducted informative and well-attended press conferences. Courts that had been struggling to implement case management improvements also had difficulty organizing an outreach event with the local media outlets.

#### **Other relevant information:**

The election of judges. As mentioned above, the HCC announced the names of the elected judges who continue to hold that office on December 17, and of the elected new judges on December 18. The elected continuing judges did not need further confirmation. The first-time elected judges were submitted to the National Assembly for confirmation, were confirmed, and sworn into office on 30 December. Approximately 84 authorized judge positions remained to be filled, and the HCC continued the process and opened applications for these positions in the spring of 2010.

Although SPP had no activities related directly to the process of judicial elections, the consequences of election affected much of the ongoing SPP work: working group members changed status and a number of the WG members changed positions within the judiciary; all the chief judges in SPP backlog reduction courts are new; and SPP has to shift the entire case weighting 'strategy' due to the fact that the HCC Secretary resigned his position during the election process.

#### **TASK 3: DEVELOP THE CAPACITY OF THE NATIONAL ASSEMBLY TO BECOME A TRULY DELIBERATIVE BODY CAPABLE OF ACTING IN THE PUBLIC INTEREST AND CONDUCTING OVERSIGHT/MONITORING OF ALL GOVERNMENT OPERATIONS**

This task works primarily with the administrative aspects of parliament, building capacity for the National Assembly to manage its own budget and resources, to plan strategically for its own institutional development, to enhance its transparency by communicating its work to

the public more effectively, and to support the provision of expert opinions on key legislation that is before the Assembly.

No.	PERFORMANCE OBJECTIVE
15	After three years, the Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process. [3]
16	After three years, the Assembly produces five-year strategic and financial plans. [4]
17	After two years, the Assembly has done more thorough analysis of some pending legislation, and/or the Assembly's operations have become more transparent. [2]

**2010:** Performance **Objectives 15 and 16:** Achievement of each performance objective is on target and probable. Performance **Objective 17:** Achieved to a limited extent and work is continuing. Transparency will continue to improve; legislative analysis is not likely to improve.

**Budget Office, Objective 15:**

**Objective 15:** The Assembly budget office can support and implement all aspects of parliamentary budget and finance by 2011. Progress toward this goal picked up in Year 2, but remains frustratingly slow due to internal Assembly preconditions. SPP expects that it will be completed by Year Three. SPP drafted a proposed Budget Office staffing plan and advised Secretariat staff in developing bylaws, internal procedures, and budget planning templates. SPP helped to develop a new and automated budget development system for the 2011 National Assembly budget, and most of those systemic improvements will remain. The major Assembly actions needed before the pace of progress can accelerate are approval of the staffing plan for the Budget Office and the acquisition of permanent staff for that office. SPP anticipates that the Secretary General will also appoint an Internal Auditor to be part of this newly developed Budget Office. In Year 3, SPP is planning to conduct extensive training of the Budget Office personnel, and anticipates a Slovenia study tour for the new Internal Auditor.

**Planning, Objective 16:**

**Objective 16:** The Assembly produces five-year strategic and financial plans by 2011. This objective is on track to be achieved in Year Three. SPP has made significant progress in its legislative strategic planning initiatives since the start of the project. Through workshops and consultations in Years One and Two, SPP is on track to have a five-year Strategic and Financial Plan in place in 2011. This multi-year plan will be accompanied by annual plan(s) that will guide the implementation of the strategy on a year-by-year basis. By the end of Year 2, SPP succeeded in guiding the development of a draft strategic plan, which will be refined and developed in the course of the project's Year 3. That plan centers on the Secretariat, and includes areas of support for MP operations, and in the financial planning will address institutional goals.

**Transparency and Analysis, Objective 17:**

**Objective 17:** By 2010, Assembly operations are more transparent and/or the Assembly has done more thorough analysis of pending legislation. Achieved to a limited extent, and more activities are planned in Year Three. On transparency issues, SPP has worked on several levels, including assessing and advising on internal and external information flows and budget development issues. The Assembly instituted transparency improvements and committed to and participated in work to institute website improvements. On budget issues, SPP helped to raise fiscal transparency by developing an automated budget development system that was previously done on a manual and *ad hoc* basis. SPP has designed new systems, and plans to implement related activities in Year 3. On legislation analysis, SPP provided expert review and analytical assistance to the National Assembly on the content of the Law on Parliament and the internal Rules of Procedure. Future progress in this area remains challenging to predict as the Assembly is increasingly subject to demands from the Government for swift passage of laws needed for EU membership and opportunities for more thorough analysis are targets of opportunity.

### **3.1. Assist the Assembly staff and leaders to learn how to acquire, allocate, and manage its own institutional resources in both the short and long term**

#### **3.1.1 Budget Consultation and Workshop.**

##### **A. Advisory Committee.**

Under the March 2009 MOU with the National Assembly, an Advisory Committee was created to assist with implementation of project activities and goals. The project Advisory Committee formally met three times this year: on December 17, 2009, May 12, 2010 and September 14, 2010. The objective of the Advisory Committee meetings is to review project accomplishments, discuss current and future activity plans, help set goals for SPP activities, share advice, build National Assembly ownership in the SPP activities, and assist with implementation of project activities. SPP staff frequently consulted informally with committee members throughout the year on project goals and activities.

The meeting in December 2009 was the fifth formal committee meeting, and it was focused on urgent legislation, such as the Law on Parliament, and follow-up on the October 2009 Strategic Planning and Budget Office workshop. Secretary General Odalovic reported that the formal ban on hiring new staff will force the Budget Office to be staffed by individuals who will be transferred from the other NA departments. The SG also suggested that SPP support the NA's efforts to prevent and mitigate potentially negative media coverage on the new NA budget department.

The May Advisory Committee meeting focused on strategic planning, budget proposals, workshops, and support for SPPs proposal for a new National Assembly website. The committee reviewed the Budget Office's IT equipment needs and the related SPP needs assessment report. Advisory Committee members agreed to meet with the representative from Treasury to acquire additional information whether any of the software solutions used by the five line ministries working with program budgets can be used by the NA.

During this meeting, the Secretary General acknowledged the importance of SPP produced workshops and seminars and underscored the positive impact they had on participants. He acknowledged that some improvements had already been implemented as a result of the SPP workshops, particularly the April strategic planning workshop, which took place in



Vrsac. He further expressed his willingness to cooperate with SPP to implement the recommendations, which he considered relevant and useful for the NA.

The September Advisory Committee meeting addressed: the status of the formation of the Budget Office and Internal Audit function at the Assembly; overview of the 2011 budget drafting process, the strategic planning process, and the anticipated media relations activity; a potential 2011 budget media campaign; status of the Transparency Agreement between SPP and the National Assembly; presentation of the website concept; and discussion of the Task Three work plan for the project's third and final year.

In between those meetings SPP met with committee members, USAID and other interested parties to provide updates on project achievements and plans. The Advisory Committee has given valuable support to SPP politically and operationally. Advisory Committee members have regularly met with SPP staff and consultants informally in support of SPP planning and activities. The committee has provided a stable set of partners with whom to plan activities, and the operation of the AC has helped to legitimate SPP's work with the NA. In addition, SPP has widened the political base of cooperation through regular contacts with key individuals not formally on the AC.

B. Workshop on the Budget Office and Strategic Plan.  
See section 3.2.1 below.

### **3.1.2 Advising/Mentoring on Development of the Budget Office.**

Poor communication, both within the legislature and between the legislative and executive branches, has hindered the budget process. Some difficulties may have been the result of forging new methods of work, but others likely stem from weak governmental operations. Throughout the year, SPP has worked to support the budget process through information technology implementation, and operational, procedural, and by-laws development. As discussed more in section 3.4.1, below, the National Assembly passed a new Law on Parliament in February 2010. That law gave the Assembly budgetary independence.

In May, upon the request of Secretary General Odalovic, SPP drafted a proposed Budget Office staffing plan. This plan contained the specific job requirements for proper budgeting and financial management for the Assembly. At the time of submission, the NA timetable for approval of new staffing was September. That was later shifted to October, and then to December. SPP work had been aimed at having the budget office and staff in place for work on the 2011 budget, but that did not occur.

The Assembly leadership decided on an events chronology that made progress toward the SPP goals difficult at best. For the Assembly, the first step was passage of the new Law on Parliament, next would be the Rules of Procedure, and last would be the new staffing plan necessary to create a new budget office. The first two steps were accomplished, but at the end of Year 2, the office had not yet been formally created. SPP also continued to provide support to the NA for developing rules and procedures for budgeting.

In July, SPP completed budget planning templates in preparation for the creation of the Budget Office. SPP also recommended additional budget templates entries, such as business travel costs, book and journal purchases, and others which were initially omitted. The National Assembly used these templates to assist the development of the 2011 legislative budget.

In August, and three months past schedule, the Ministry of Finance issued governmental budget planning instructions and limits. SPP was prepared for the quick budget turn-around thanks to SPP advising on 2011 budget plan drafting and by-law development. SPP had advised the National Assembly that the most effective way to develop all the internal bylaws, rules, procedures and forms is through support for the creation of an internal NA working group responsible for developing regulations necessary for efficient and effective operations. At SPP's request, a budget working group was appointed and worked to create the draft of the first independent Assembly budget. One of the simpler recommendations SPP made was to change the legislature's outdated cash payment system to a computerized system that would better allow for tracking and improved transparency. That recommendation has not been implemented. With the help of SPP and its advisors, the National Assembly was able to develop submit its budget to the Ministry of Finance by September, on time.

SPP helped to ensure that the data collection and drafting of the budget proceeded smoothly by automating the budget data collection system. SPP installed Access and CCplus software programs in the Secretariat for the working group members to ensure accuracy and efficiency of the planning data processing. Secretary General Odalovic informed SPP that he was especially pleased with the new budget preparation process, which now relies on budget planning units rather than on him. He added that the new procedure should allow the National Assembly to work within the legal time limits for submitting the budget. The procedures developed in 2010 can be, and likely will be used in 2011 and future years.

### **3.1.3 Assessment for Hardware and Software Needs.**

SPP continued to plan for Budget Office computer software and hardware, following the project's initial IT assessment conducted in April 2009, which concluded that the National Assembly system could take a variety of forms, any of which would be compatible with the national Treasury's IT system. In October 2009, SPP was able to obtain technical information on the Treasury's computer systems, which is used for planning, analyses and reporting of the program-based line ministries' budgets.

In December 2009, SPP received the approval from the Advisory Committee to conduct an in-depth assessment of the Budget Office's anticipated hardware and software requirements. SPP conducted this assessment in March – April 2010, in part, through interviews with: the Secretary General, the Head of the Finance Sector, the Head of the HR Department, the Head of the Organizational and Administrative Sector, the Head of the IT Department, the Head of the Public Procurement Office, Secretary of the Administrative Committee, and the Head of IT at the Ministry of Finance's Treasury. The assessment resulted in recommendations for software and hardware necessary for the four distinct phases of NA's budgetary operations: planning, analysis, internal audit and reporting. Key conclusions were as follows:

#### **Software requirements:**

- The software for this system should include integrated applications within a broader framework of an integrated database and reporting system that addresses the internal needs of the National Assembly and that helps to provide transparency to the public on legislative budget issues;
- Access rights must be given to multiple users for different operations. The operations system must use a centralized, integrated data base. This can be best

achieved by employing web technologies and a web browser in order to drastically cut the licensing costs for database access and application facilitation, updating and maintenance;

- A special communication-application server will be used for communications with Budget Office users. The server will determine and control staff access to the system and the applications it contains. No data will be downloaded or stored on the application server. An appropriate database server will be employed for data inputs and storage, to which only the application server will have access; and
- System software for the servers and database operation, and application software to be employed by users.

Hardware requirements:

- Two servers will be required for optimal configuration: one for application, and one for database operations. A storage group module with additional disks will be required for storing data. One secure archival creation device will also be necessary;
- While there is no need to purchase hardware for user workstations, it would be preferable to increase the capacity of the existing servers that will enable a sufficiently broad band-width for Internet communication in the near-term future;
- The NA's Information Services Office should be consulted on the final software and hardware specifications and the type of equipment to be procured to ensure effective integration into the NA's existing IT environment.

SPP consultants recommended a customized Budget Office software package comprised of a combination of off-the-shelf software with additional modifications and interfaces that may be necessary to ensure compatibility with the Ministry of Finance systems. According to these experts, the customized package would provide more flexibility than a system that is completely off-the-shelf. Additionally, it would have lower maintenance cost than developing a software package from scratch.

Late in the program year the Secretary General and the Administrative Committee appointed people to a working group to develop and approve the necessary IT hardware and software solutions for the budget office, and that working group is active.

### **3.2. Assist Assembly Staff and Leadership to develop and implement strategic and organizational budget and financial plans for its own institutional development**

#### **3.2.1 Workshop on the Budget Office and Strategic Plan.**

SPP held the workshop on the Budget Office and Strategic Plan from October 22 – 24, 2009 in Vrsac, Serbia. The workshop goals were for the NA's deputies and senior staffers to determine the activities, pace and individuals who would work to establish the budget office and to draft the NA's strategic and financial plans. Among the prominent MPs were: three Deputy Speakers, the Chair of the Administrative committee, the Deputy Chair and members of the Finance Committee, the Deputy Chair and members of the Judiciary and Public Administration Committee, members of the Constitutional Affairs Committee, and a member of the Appeals and Complaints Committee. MPs represented the opposition as

well as the governing coalition. From the Secretariat staff were three Assistant Secretary Generals for Committees, Finance and Investment, the Heads of Department for Committees, Finance, Legal and Human Resources Affairs, secretaries of the Administrative, Judiciary and Public Administration, and Finance Committees, a senior adviser for support to the caucuses, a senior advisor for human resources, the advisor for procurement, and advisor for finance.

The workshop's open discussions and focus on common interests across functional and partisan boundaries, in both the plenary and break-out sessions, led deputies from different parties to agree on the quality of the Secretariat's staff support. Despite the initial general lack of participant capacity in developing strategic plans, the workshop participants collectively developed detailed action plans. The participants reached agreement on the actors, steps, and pace of work for establishing the Budget Office.

The workshop also resulted in the establishment of two working groups: one with the task of developing internal rules and operational guidance for establishing the Budget Office, and the other with the task of developing procedures for creation of a working group to draft the strategic and financial plans.

### **3.2.2 Strategic Plan Drafting.**

Strategic planning with the National Assembly followed a difficult path. The workshop discussed above (section 3.2.1) generated widespread support for strategic planning. At the December Advisory Committee meeting, the members of the Committee and the Secretary General spoke favorably about strategic planning. Less than two weeks later, the Secretary General told SPP he did not support strategic planning because there would be no new money and no chance to implement anything in a strategic plan. SPP then began a persuasion campaign with the Secretary General, with the Advisory Committee members, with other MPs, and with those members of the Secretariat who communicate regularly with the Secretary General. The results of that campaign were apparent when the Law on Parliament was passed two months later containing an obligation for development planning on a yearly basis. SPP had successfully turned the Secretary General's refusal to engage in planning into an institutionalized yearly obligation to develop future plans.

In May 2010, SPP assisted the Secretariat to develop the National Assembly's new Rules of Procedure. At the request of Assistant Secretary General Radakovic, SPP conducted a comparative analysis of international practices in financial and strategic planning provisions in the Rules of Procedure of several legislatures in Europe and around the world.

During the summer, the Secretary General supported SPP's strategic planning efforts by appointing a 23-member Strategic Planning Working Group to develop, with SPP assistance, the Strategic Plan for the Secretariat in accordance with Article 69 (which obliges the Secretary General to adopt a multi-annual strategic plan for the Secretariat). SPP took the initiative to help structure the working group's tasks and begin planning for the strategic planning drafting retreat.

The SPP-sponsored strategic planning drafting retreat took place from September 6 - 8, 2010 in Palic, Serbia. The output of this workshop was a first draft of a strategic and financial plan, in addition to a vision and mission statement for the legislature. In Year 3, SPP plans to conduct a follow-up to this workshop through: (1) a series of individual and group consultations with legislative leaders and Secretariat staff to further refine the strategic and

financial plan drafts, and (2) to conduct a final strategic and financial plan review workshop where the plans will be finalized and annual implementation plans will be discussed.

### **3.3. Establish a Training Program for Assembly Staff and Leadership; plan, implement and/or monitor discrete parliamentary projects and programs; and strengthen their negotiations with the Ministry of Finance and other agencies to meet the Assembly's resource needs**

#### **3.3.1 Training of Budget Office Staff.**

It was not possible to develop training programs because the Budget Office was not yet established. These will be developed out of the SPP concrete training programs for MPs and staff during Year 3.

#### **3.3.2 Study Tour.**

SPP sponsored a four-day study visit to Ljubljana, Slovenia for twelve Serbian NA staff members. From April 19 – 24, 2010, Serbian NA accountants, analysts, a treasurer, and representatives from the Secretary General's office learned about budget development, management and oversight through both practical and theoretical methods. The Serbian NA identified these participants as being the most likely candidates for staffing or working with the Budget Office, once it is established. The visit schedule was divided with half-day classroom trainings by the Slovenian Center for Excellence in Finance (CEF) and half-days of hands-on work with the Slovenian Budget Office, MPs and staff. Through discussions and observation of Slovenian practices and systems, participants acquired practical knowledge on budgetary planning, analysis, and reporting, as well as the subject fields of internal audit and strategic planning. In particular, participants learned how to:

- Draft budget projections (budget planning);
- Conduct budgetary analysis;
- Report internally and externally on execution of the budget;
- Implement audit procedures;
- Implement IT procedures that support financial operations;
- Implement the public procurement procedure;
- Implement principles of parliamentary budgeting, as recommended by the Center of Excellence in Finance; and
- Become aware of strategic planning practices and benefits.

SPP implemented the study visit and, in collaboration with World Learning, a pre-departure orientation.

The study tour succeeded in building greater awareness and knowledge of budgeting among staff and will lead to the development of templates and internal by-laws for the establishment of routine operations of the NA Budget Office. Participants received the full range of information on the Slovenian experience in establishing a sound budgetary and strategic planning process within an EU member state parliament, as well as comparative knowledge on budgeting, internal audit, and external audit.

#### **3.3.3 Develop Training Programs.**

Due to the delays in both the process of developing the 2011 budget and the establishment of the Budget Office, this activity was postponed until the project's Year 3. This activity will comprise two courses on budget planning. One will target the Budget Office; the other will target other staff and MPs in the NA. The latter course may be implemented in phases, with the first phase to be implemented by November 2010.

### **3.4. Provide local experts to advise the Assembly on topics to be agreed upon and/or by making the Assembly's operations more transparent through improvements to the Assembly's public web page and other public information tools**

#### **3.4.1 Advising on Legislation.**

*Law on Parliament.* In February, during the final stages of the NA's consideration of the draft Law on Parliament, the Assistant Secretary General requested SPP's expert analysis of the bill's budget-related provisions, known as Chapter XV. SPP immediately complied and provided additional recommendations for additional provisions regarding clarification on the reporting role of the internal auditor and the auditor's relations with the NA Committee and the Secretary General. SPP believes that without these provisions, an internal auditor would not have the responsibility to report on a regular basis and these reports would not be subjected to parliamentary debate and follow-up. The Law on Parliament working group incorporated SPP's recommendations into the draft Law. Starting in December 2008, SPP had on different occasions provided analysis and recommendations for different ways to create financial independence for the legislative branch. Concepts from those earlier analyses by SPP were reflected in the final language giving the Assembly significant financial independence.

At the risk of oversimplification in a summary, the Law on Parliament created a four step process for the Assembly's independent budget: 1) The Assembly creates its budget proposal and submits it to the Ministry of Finance (MOF); 2) The MOF responds to the budget proposal; 3) The Assembly and MOF negotiate resolution of the differences; 4) After including any changes resulting from the MOF response and the negotiations, the budget proposed by the Assembly must be included in the overall proposed Serbian national budget.

SPP offered other recommendations that were not included into the draft Law on Parliament. They include:

- The level of detail included in the Law on Parliament may be more appropriate for the Rules of Procedure, which were subsequently passed;
- The Speaker's Board would best be codified in the NA Rules of Procedures or in supplements to those Rules, not in the Law on Parliament;
- A provision on the Secretary General's accountability should be added so that the Secretary General is responsible for the efficient and transparent disposal of NA property. There should also be more detail in the provisions regarding the Secretary General's responsibilities in NA budget spending;
- The NA strategic plan would have greater significance if it were adopted by a competent NA committee or in a plenary session. Article 72 of the draft Law on Parliament only defines the strategic plan for development of the NA Secretariat. There should be a strategic plan which additionally includes the work of the entire NA;

- The management of vehicles (transportation, maintenance, servicing, garaging) should be under the exclusive responsibility of the NA. The central government's Administration for Joint Services should have no responsibility for the NA's vehicles. The transfer of vehicle management to the NA would result in greater legislative responsibility, accountability, and transparency, as well as greater control over use of vehicles and less abuse.

The NA passed the Law on Parliament on 26 February 2010.

*Rules of Procedure.* Shortly thereafter, the Secretary General asked SPP to advise the working group responsible for drafting the new internal Rules of Procedure, with a particular focus on legislative budget and internal audit planning and management. SPP coordinated its work with other international organizations, namely UNDP, NDI, OSCE, and UNICEF. That coordination included a joint meeting of all international organizations with the Rules working group. However, it was not until June 2010 that the working group released the draft Rules of Procedure to SPP for comment. SPP took immediate action and provided expert consultants, Zdenka Vidovic and Helena Kosmac, to advise the working group.

Shortly following SPP's submission of comments, the NA organized a three-day retreat to discuss the final edited version of the internal rules. SPP participated in that event.

The National Assembly leadership opted not to hold public discussion of the internal rules draft before adopting the document in July, several weeks behind schedule. Some of SPP's recommendations were included in the final draft, including requirements for more thorough committee session debates. The Rules of Procedure working group unfortunately rejected some of SPP's recommendations designed to improve legislative transparency and accountability.

### **3.4.2 Retreat on Transparency and Information.**

Starting late in Year 1 and continuing into Year 2, SPP undertook an assessment of the NA's practices and capacities for transparency, outreach, and information accessibility. Its purposes were: to provide a preliminary assessment of the existing capacity of the NARS to inform the public adequately about the NARS and its operations, and of the capacity to engage in effective outreach that would make it more open and transparent; to provide a description of international good practices in development of parliamentary communications; and to recommend models that would enhance policies and plans for the NARS's outreach and transparency. SPP engaged three consultants who met with MPs, key parliamentary staff, representatives of media, journalists' association, the Commissioner for Information of Public Importance and Protection of Personal Data, trade unions, and NGOs in order to collect data that forms the basis of the report. The assessment, which covers media, public access, website, and both public and electronic information, was completed in October 2009 and was refined over the course of three months, following a review by Advisory Committee members and receipt of new information.

That assessment report, titled "Outreach, Participation and Transparency in the National Assembly of the Republic of Serbia," was presented publicly at an event in January 2010. Following that presentation, Secretary General Odalovic agreed that SPP should proceed with its follow-on activity, and as a result, SPP implemented its Transparency and Information workshop from April 22- 24, 2010, in Vršac, Serbia.

The retreat brought together selected NA personnel responsible for information and public outreach from: the Office for Public Access; the Public Relations Department; the IT Department; the Commissioner for access to information of public importance; media advisors to the Speaker and the Secretary General; representatives of selected parliamentary committees; and MPs. Participants addressed access to information of public importance, improvements to the parliamentary website, media relations, relations with civil society and non-governmental organizations, parliamentary outreach and internal communications. They reviewed the recommendations from the comprehensive outreach and transparency report produced earlier in the year. The participants defined a set of goals and activities, agreed upon priorities, and developed a draft plan for implementing them. Furthermore, the participants agreed to work with SPP on completing an action plan that emerged from the six priority areas that were agreed upon at the retreat:

1. Improving access to information of public importance;
2. Improving the NA website to improve public access to information;
3. Improving internal and external communications;
4. Increased NA outreach to the public (e.g., Mobile Parliament or Open Doors Initiative);
5. Improving media relations (e.g., via website and regular public forums);
6. Improving physical and participatory accessibility of the NA.

By May 2010, SPP consultants finalized the retreat's Action Plan and executive summary, both of which SPP presented to the Secretary General and the members of the Advisory Committee.

Actual improvements in transparency occurred after release of the report and after the Transparency workshop. The Assembly installed video monitors for the public and media and began displaying schedule information for committee hearings, plenary sessions, and other significant Assembly events. A new space for media statements or interviews was created in the central hall with a background suitable for television, and more space was provided for media interviews of MPs. Greater information about committee hearings appeared on the website. (Unfortunately, this improvement was short-lived due to a dispute over approval of content.) To help the leadership be more informed and more effective with the media, the Assembly stopped the manual press-clipping process and subscribed to an electronic press-clipping service.

Following finalization of the action plan from the Transparency and Information workshop, and, in an effort to improve the NA's internal and external communications, SPP proposed a staffing table for the Public Relations Department which includes optimizing and integrating existing information and communication resources into one department in charge of both internal and external communications. The plan takes into consideration the NA's specific needs and capacities, as identified in the 2009 assessment and the recommendations from the Vršac transparency and outreach workshop. SPP consultants used comparative analyses of international and regional practices in organizing Public Relations Services in the proposal drafting process.

SPP explored the format to be used for the "Transparency Agreement" with the National Assembly which was required by the Performance-Based Monitoring Plan (P-BMP). In September 2010, USAID advised SPP that the Transparency Agreement would not be accomplished by an amendment to the MOU. (The parties to the MOU signed in March



2009 are USAID and the Assembly.) SPP presented the activities and objectives from the transparency plan to the Advisory Committee at the September meeting. The members agreed to those activities and SPP will track the performance of those agreed upon objectives through the P-BMP.

### **3.4.3 Orientation Seminar/Workshop for the Assembly and Parliamentary Journalists.**

This orientation workshop has been designed to take place in two phases. Its first phase took place in September 2010 (and continued into October 2010 and the beginning of Year 3) and consisted of a series of consultations with Serbian media professionals, legislative correspondents and editors specialized in political affairs, and with news agencies involved in radio, print and electronic media. SPP also met with the journalist association. The objective of these consultations was to obtain the journalists' perspectives on relations between the National Assembly and the media.

Phase two of this activity will be a workshop held in Year 3, on/about November 2010, with the Speaker of the Assembly taking an active role. The workshop will bring together media professionals and Assembly leadership, with the objective of helping to build better relations between the media and the NA. As part of SPP's practice of coordination with other implementers and donors, SPP held discussions in September with OSCE and NDI, two organizations that are also trying to work for the Assembly's improved media relations. By the end of the program year it appeared that the workshop will probably be more effective if all three organizations participate in organizing and supporting the event.

SPP anticipates that the output from the workshop will be a report drafted in early Year 3 that will include specific, implementable recommendations for NARS. These recommendations should focus on both how to enhance the National Assembly's relations with the media and how to improve conditions for media correspondents covering the National Assembly.

### **3.4.4 Workshop on the Website.**

SPP's work on NA website improvement issues started in late 2009, when SUNY facilitated Administrative Committee Chairperson Nenad Konstantinovic's travel to Washington DC and participation in the November 3 - 5 fourth annual World Conference on E-parliament. The purpose of Mr. Konstantinovic's participation was to provide him, and subsequently the Serbian National Assembly, with background information about the types of electronic improvements that have been implemented in parliaments in other countries and that would be germane to the internal rules governing NA operations.

After extensive discussions with the NA leadership, the head of Information Services, and the OSCE (which is involved in a large e-government initiative), in the spring of 2010 SPP began planning for its workshop on improving the NA's web page presentation. In May, SPP met with the Chairperson of the Culture and Information Committee Vesna Marjanovic who expressed her interest in supporting SPP's website initiative. She agreed to meet with SPP representatives regularly to help develop the new NA website concept. SPP also met with the Head of Sector for Organizational and Administrative Affairs and the Head of the IT Department to discuss ideas on the potential website seminar. Unfortunately, the head of the Information Services Department, which is currently in charge of the NA website, has been seriously ill and out of the office, without a named replacement or successor, for the

majority of the 2009-2010 annual reporting period. Her absence has proven to be an obstacle, but not an insurmountable one, in implementing this activity.

In July 2010, SPP organized a two-day workshop on the National Assembly's website. Attendees included selected MPs and Secretariat staff members from both the Public Relations and IT Departments, and included staff in charge of updating and maintaining the legislature's current website. Special invitees included the Internal Commissioner for Information of Public Importance, the Coordinator for Public Access, and the Secretary of the European Integration Committee. The workshop provided the platform to discuss the concept of the future parliamentary website and its content. Through interactive sessions the participants had a chance to learn about international good practices in developing legislative websites and to discuss how to apply these standards to improve and modernize the National Assembly website. Specific topics included: website outline and functionality; procedures for managing content; website optimization and visual positioning; and technical elements required to support the new website.

OSCE had initially requested that SPP delay the development of its new NA website at least one year so that it could be built into the OSCE E-parliament system. However, after negotiations, OSCE agreed that SPP should move forward on the website development, with the request that SPP use open source software. Reaching this agreement required a fast but wide-ranging campaign by SPP to convince parliamentary leaders and staff of the value in moving quickly with the website improvements. The Administrative Committee Chair was one of the targets of this persuasion campaign and he has requested that the website should be completed and operational by the end of 2010. Timing of the new National Assembly website is important because it is intended to bridge a communications gap between MPs and the Serbian citizens. Additionally, the website is expected to play an important role in constituent relations in the run-up to the next legislative elections in 2012.

## **ADMINISTRATIVE**

### **4.1 Performance Based Monitoring Plan**

SPP collected data and performed evaluations to report P-BMP data to USAID on a semi-annual basis: after the second quarter (with the March monthly report) and at the end of the program year (with the September monthly report). The annual data reported with the September monthly report is attached to this Annual Report as Annex 4.

The reporting category most dependent on statistical data from outside sources is court caseload information. With the change of the court network at the beginning of 2010 (which changed court sizes and case jurisdictions and physically transferred cases between courts), and the institution of a new electronic case management system (CMS) (installed over time during 2010 and continuing), reliable data from courts concerning filed, open, and resolved cases was very difficult for SPP to obtain. The difficulties were so significant that the Supreme Court decided it could not publish in 2010 its usual annual report on court caseloads for 2009. Although the courts could provide data, they had no confidence in its reliability. Courts experienced and acknowledged significant data migration issues into the new software system so that they lacked firm baselines for any 2010 data. Additional difficulties existed for SPP because of the project's interest in collecting age of case data for measuring backlogs. The CMS software did not produce that type of data in a usable way.

Final approval of all parts of the SPP P-BMP was received from USAID on 13 January 2010. SPP incorporated the final changes into a new full version of the plan.

## **4.2 Other Administrative activities**

**Subcontract.** To perform the contract with USAID, East-West Management Institute had subcontracted with the State University of New York (SUNY) Center for International Development for implementation of the activities under Task Three of the contract (the work with the National Assembly). Late in the program year EWMI submitted to USAID a proposed change of implementation methodology that increased the local EWMI supervision of and work on Task Three activities, and decreased the local participation by SUNY. A great deal of management effort, both locally in Serbia and from the EWMI home offices in the U.S., had preceded and then followed that implementation shift.

**Office.** In 2009 Serbia passed a law requiring entities doing business in Serbia to re-register with the government. NGOs implementing other USAID funded ROL projects had reported they believed they were exempt from re-registration. EWMI received legal advice to complete re-registration. EWMI filed the request for re-registration before the deadline of 22 January 2010, and the process was completed in March.

As SPP has become busier in all phases of work, more consultants have been coming to Belgrade and working out of the SPP office. To permit consultants to accomplish their work, SPP purchased some additional desks and chairs to provide working space for consultants and for possible additional staff, and received some small donations of property from USAID funded projects that were closing down.

### **Staff:**

**DCOP.** In the initial SPP staffing structure and budget, EWMI had planned that the Task One Manager would also serve as the Deputy Chief of Party (DCOP) for the project, and that person was intended to be a Serbian national. The difficulty finding a Task Manager for Task One meant that SPP was also functioning without a DCOP. SPP had also experienced the need for this person to take on additional cross-cutting duties within the project. In December 2009, EWMI submitted to USAID a request for a budget modification to create an additional position for a DCOP and to be able to hire an expatriate. Approval for that position was received in late December and EWMI completed the hiring details and received approval to bring Patrick Wujcik to Serbia as the project DCOP. Mr. Wujcik started work in that position on February 1, 2010.

**Task One.** In Year 1, SPP had great difficulty finding a qualified person to work as Manager of Task One. A very qualified person was finally hired late in Year 1, but she was appointed to the position of Treasurer for Serbia and left the project after only two months. SPP started Year 2 again looking for a Task One Manager. EWMI received approximately 40 applications for the position of Task One Manager. Most were from US or foreign nationals, and only a few were from Serbian applicants. From this round of applications, there was no qualified candidate. Since SPP had gone through the advertisement and interview process before with similar results, SPP again turned to recruiting possible US or third-country candidates.

In November EWMI submitted a request to USAID for hiring a U.S. citizen as Task Manager. In December, SPP received approval from USAID to hire an expatriate Task One Manager.

On two occasions SPP had brought Joseph Bobek to Serbia to serve as a consulting expert for Task One, and at EWMI's request, USAID approved him as the Task One Manager on a full time basis. He arrived in Belgrade January 17, and began work with SPP on Monday, 18 January, 2010.

**Task Two.** Task 2 Manager Sonja Prostran went on sick leave in early February in advance of starting formal maternity leave in March. SPP designated Deputy Task Manager Nikola Vojnovic to serve as acting Task Manager in Sonja's absence. He was submitted to and received USAID approval from the Contracting Office to act in that capacity. Ms. Prostran remained on maternity leave for the rest of the project year, and was scheduled to return to SPP in October 2010.

SPP decided to hire a short-term Program Attorney to assist Task 2 and SPP while Sonja Prostran was on maternity leave. 52 applications were received and SPP ultimately hired Milan Nikolic, who had experience working with ABA/CEELI and for the Serbian Judges Association.

**Task Three.** On October 30<sup>th</sup>, the Deputy Manager for Task 3 informed senior management of the SPP that he did not intend to seek an extension of his employment with SPP after November 2009. SPP started the application and employment process, and hired Iztok Bojovic as the Deputy Task Manager for Task Three. He started work on 1 February, 2010. Mr. Bojovic is a media specialist with a background in political science and journalism.

During the middle two weeks in November, 2009, Gabriela Carrascal from the SUNY CID administrative office in Albany, New York, visited SPP. She worked on issues relating to SPP office procedures and on hiring a part-time Finance Assistant. On 17 November, Vladimir Vasilic began providing part time assistance for SPP SUNY finance-related issues. SPP determined to increase that Financial and Administrative Officer position for Task 3 to full-time, and Mr. Vasilic started full-time work September 1, 2010.

For the last three weeks of December, 2009, Professor Mark Baskin from SUNY worked in Belgrade with the SPP project. He and the Task 3 manager (and (at the request of USAID) a USAID representative) met with many of the parliamentary leaders, and with representatives from NGOs and International Organizations that work with the National Assembly. The purposes for these meetings were raising support for the work on the budget office and on strategic planning and coordination of activities. In addition, he organized a one-half day session on parliament's role in budgeting that was part of a workshop organized for NA staff by ProConcept in Kopaonik, Serbia, on 25 December.

SPP worked actively on finding additional expert support for the Task 3 work with the National Assembly. SPP arranged and received USAID approval for former Belgian MP Peter Vanhoutte to work with SPP on an extended consultancy to assist with nearly all areas of Task 3 work. SPP reached agreements on all areas of his potential assistance and submitted his SOW to USAID for approval. He started that work on June 8, and returned each month thereafter, working for ten days to two weeks on each trip. SPP intends to continue using Mr. Vanhoutte in Year 3 as a parliamentary work adviser.

**Staff overall.** In November SPP devised a staff evaluation process and distributed evaluation forms. In December, evaluations were submitted on each SPP staff person from a colleague, from a supervisor, and a self-evaluation. Evaluations were completed and the COP conducted an evaluation conference with each staff member in December. The results

of the evaluations assisted with staff development and project improvement in 2010, and served as the basis for staff salary increases for 2010.

**EWMI.** In mid-September, 2010, EWMI President Adrian Hewryk and Senior Legal Advisor Mark Dietrich were present at the SPP office. Although they spent time with all staff and discussed all aspects of SPP operations, most of their time was spent focused on the work done with the National Assembly under Task 3 of the project. This focus included many meetings and discussions with the SPP COP and DCOP and with Task 3 staff.

**Website.** EWMI signed a contract in October 2009 with a Serbian company for website design services. In early February 2010, the SPP website was opened for SPP use and posting. Each Task within SPP wrote, selected and compiled materials relevant to activities to be published on the Separation of Powers Program official website. The website became operational and publicly accessible on February 26<sup>th</sup>. The website URL is <http://www.ewmispp.org/>. SPP has supported and updated that website throughout the rest of the program year.

**Outreach.** SPP efforts in the outreach area are cross-cutting throughout the project, and are needed in four distinct ways. First, are the specific workplan tasks identifying outreach and media related activities (sections 1.3.2, 2.3.4, 3.4.2, and 4.2). Second, are outreach efforts to accomplish or to assist with other workplan activities, such as using media coverage to help courts with backlog reduction and case management efforts, or to generate understanding of and demand for court administrator/manager positions. Third, is to ensure that the work of USAID and SPP receive appropriate notice and public recognition. Fourth, is to impact public perceptions about improvements in the Serbian judicial system.

SPP performed this work on many fronts, e.g., the National Assembly workshop on transparency, press conferences at courts, providing information bulletins for USAID reporting, posting information on the SPP website, using a journalist as a speaker for courts working on case management, etc. Nonetheless, SPP wanted to increase activity in this area and to develop supporting resources for the specific media and outreach tasks identified in the workplan. SPP met with the USAID supported IREX ProMedia project in Serbia and obtained information, contacts, and recommendations. SPP met with PR firms, and ultimately worked briefly with one firm on organizing outreach work. More formal work on media skills and outreach strategy development is earmarked for Year 3.

#### **4.3 Reports and Deliverables as required by the contract:**

- Annual workplan. This was prepared by EWMI and SPP staff and submitted to USAID on August 31, 2010, 31 days before the beginning of workplan Year 3. Each SPP Task group spent significant time during June, July, and August on the process of preparing the workplan. This process included consultations with the National Assembly Secretary General, relevant NA department heads, and other selected SPP judicial system counterparts on anticipated Year Three workplan activities.
- Monthly Progress Reports. Each monthly progress report was submitted as required.
- Quarterly financial reports. As specified by the COTR, EWMI has submitted to USAID brief, quarterly accrual expenditure reports before the end of each quarter containing a

summary page reflecting spending by category for the quarter, and showing cumulative spending to date.

- Monthly financial reporting. EWMI has submitted monthly invoices to USAID for payment of reimbursement due under the contract. EWMI has responded to all USAID inquiries for explanation or clarification of any of the monthly expenses.
- Short-term consultant reports. As discussed in the text above, SPP has used short-term consultants for work in all Tasks. When requested, consultants have met with the COTR to discuss the work performed, challenges, and recommendations. Consultants have filed written reports summarizing the purpose of and work performed during the consultancy, progress made, observations of the consultant, issues and/or problems encountered, and any recommended follow-on activities for the counterparts and counterpart institution (such as the National Assembly) and for SPP.

#### **4.4 Other Cooperation with or Assistance to USAID.**

The SPP COP or DCOP attended USAID organized meetings of Democracy and Governance project Chiefs of Party in November, 2009, April, June, and September 2010.

During the course of the year, SPP met frequently with the project COTR, Ellen Kelly, and with the Democracy and Governance Chief Walter Doetsch and other members of the USAID mission and various USAID visitors on several occasions. On November 23, 2009, SPP met with Ms. Abigail Lackman, USAID Liaison Officer for Serbia, seated in Washington D.C. Ms. Lackman had attended part of the SPP BLR workshop in May 2009, and was very interested in the follow-up and the outcome of SPP work with BLR courts and about development of the court administrator/manager position. On February 11, SPP met with a USAID project design team (Christine Tefft and Patrick Murphy) to talk about magistrate judge and court issues and administrative court matters for a possible new USAID project.

In May, Dr. Eric Rudenshiold, Senior Governance and Anticorruption Advisor from USAID Europe and Eurasia bureau in Washington, was in Belgrade for a week. SPP met with him on May 7 and 10 as part of his work to perform an assessment of the work under Task Three of the SPP project, and arranged a number of meetings for him with National Assembly counterparts (MPs, leadership, staff). Dr. Rudenshiold's resulting report recognized the challenges of working with the NA, but was essentially positive regarding SPP's efforts, finding that the SPP assistance is widely appreciated, candid, practical, and apolitical.

On August 18, SPP met with Stephen F. Little, a USAID Private Enterprise Development Officer from Budapest. Mr. Little was in the process of visiting with other USAID funded projects in Serbia. The objective of the meeting was to present to him the work of SPP in support of the HCC, the courts and the Parliament. The COP presented an overview of the SPP, and each Task Manager presented their specific work in achieving the goals of the project.

During February, SPP representatives met two times with USAID-Serbia Mission Director Mike Harvey who returned to Serbia after a four month absence on TDY to Pakistan. On February 3, the SPP COP escorted newly arrived expat staff, DCOP Pat Wujcik, and Task I Manager Joe Bobek for an introductory meeting. On February 25, the COP and visiting

EWMI program director Mark Dietrich (visiting from Washington D.C.) met with Mr. Harvey. On both occasions, the Deputy Chief of Mission, Marilynn Schmidt, and the project COTR, Ellen Kelly, were also present.

Mr. Harvey left the Serbia Mission in July to take a different assignment within USAID. The new USAID-Serbia Mission Director, Susan Fritz, began work in Serbia in August 2010. EWMI President Adrian Hewryk and Senior Legal Advisor Mark Dietrich came to Belgrade in mid-September. Mr. Hewryk, Mr. Dietrich, and the SPP COP met with Mission Director Fritz on September 16, 2010.

**US Embassy.** During March, USAID learned that the U.S. Ambassador had a trip scheduled to Subotica, Serbia, and that there was potentially time available during that trip for her to visit the courts in Subotica. After extensive preparations by SPP, USAID and the Court Presidents of Subotica, on Friday, April 16<sup>th</sup>, 2010, the Ambassador of the United States of America to the Republic of Serbia, Mary B. Warlick, visited the Higher and Basic Courts of Subotica. Also present for the visit were USAID Serbia Mission Director Michael Harvey, SPP USAID COTR Ellen Kelly, and the SPP COP.

During the visit, Ambassador Warlick had a meeting with the Acting Court President of the Higher Court, Judge Ferenc Molnar, and with the Acting Court President of the Basic Court, Judge Sonja Vidanovic. After touring the courthouse, the Ambassador met with Judges and court staff from both courts. Together with the Court Presidents she held a brief public meeting that was covered by the local and national media. In her speech she stressed the importance of backlog reduction and of work performed by court staff in the new court network, both of which should result in increased public trust and confidence in courts. The visit was well-received by the local courts and community. The Subotica courts were the first courts that the Ambassador visited in Serbia, and this was the first Ambassador visit to those courts since their establishment.

July 4<sup>th</sup>. Every year the US Ambassador hosts an American Independence Day party. SPP provided names and contact information to USAID to assist USAID and the Embassy with issuing invitations to the important counterparts for US funded activities. SPP staff also attended the reception and spoke with many counterparts.

#### **4.5 Progress meetings**

Throughout the year, SPP had both formal and informal meetings with many counterparts and organizations for the purposes of information and cooperation. At all meetings SPP provided information about relevant SPP activities and progress and elicited information from the others at the meeting about their activities. When necessary, discussions were very specific to attempt to eliminate potential conflicts or overlaps. With some counterparts, SPP met repeatedly to enhance coordination. For reference purposes, a list of the significant individuals involved in these meetings and contact information is attached as Annex 3.

Organizations included in progress meetings with SPP representatives (Details are provided about some of the coordination efforts):

Supreme Court of Serbia, Chief Justice, and effective January 1, 2010, Supreme Court of Cassation Chief Justice;  
Court Presidents of many courts;  
Ministry of Justice;  
MOJ Justice Sector Partners Forum;  
Ministry of Finance;  
Department of the Treasury;  
Members and staff of the High Court Council;  
USAID BES program (BAH) (dealing with enforcement of court judgments);  
Judges Association of Serbia (JAS);  
Judicial Training Center, and its successor, Judicial Academy;  
OSCE;  
Council of Europe (COE);  
IMG;  
UNDP, and especially the Rule of Law and parliamentary reform departments;  
NDI;  
IPA (ECO project working with the HCC);  
World Bank;  
National Assembly of Republic of Serbia, MPs and Staff;  
U.S. Department of Justice.

At the end of October, 2009, SPP met with Natasa Rasic, the local supervisor for a new EC (DAI implemented) project to enhance the capacity of the JTC. Discussions centered around the scope of work for this new project and the planned work of SPP with the JTC. The parties foresaw no conflicts.

In a November 2009 meeting with HCC Secretary General Eždenci, SPP offered to assist HCC by organizing a coordination meeting to be attended by HCC donors, projects, and supporting international organizations. Mr. Eždenci welcomed the idea, and talked briefly again with SPP about the meeting. Mr. Eždenci left his job in December and the coordination meeting did not occur.

World Bank (WB). During the year SPP met repeatedly (nearly every month, and sometimes more than once in a month) with representatives of the World Bank, both local and international staff. The Multi-Donor Trust Fund (MDTF) team leader, Jens Kristensen, was in Belgrade on several occasions, and each time SPP met with him and members of his team. Discussions each time were on different topics, but all related to World Bank and SPP work. SPP shared with the World Bank a copy of the report prepared by SPP consultant Joseph Bobek, "Analysis of the Financial and Related Information for the Judicial Bodies," delivered in October 2009. Various topics within that report were discussed at several of the meetings with WB representatives.

SPP also attended a December 2, 2009 World Bank presentation and workshop on "Measuring Judicial System Performance," a very worthwhile discussion about systemic performance indicators. Invited presenters represented the UK and the Netherlands.

SPP met in group meetings several times during the year with international organizations that work with the National Assembly. SPP also met individually with members of these organizations on a frequent basis. For example, in June 2010, SPP met with NDI (two times), and UNDP and OSCE (one time) to coordinate legislative activity planning and to facilitate a uniform position by international organizations regarding development of and



support for the drafting of Rules of Procedure for the Assembly. Following those individual planning meetings, the four organizations met jointly with the National Assembly Rules working group. Late in September 2010, SPP met with NDI to plan a joint approach with OSCE regarding transparency activities with the Assembly, and scheduled a joint meeting for all three organizations for October 1.

**Formal Progress Meetings.** On March 26, 2010, SPP conducted a quarterly progress meeting. Representatives of each SPP program Task presented recent accomplishments and discussed their current and future activity plans. The progress meeting was attended by twenty guests representing USAID, the donor community, and officials from the Judicial, Legislative and Executive Branches of the Government of Serbia.

On July 20, SPP hosted a progress meeting aimed principally at SPP activities with the National Assembly and at National Assembly counterparts. In order to make the meeting as convenient as possible for MPs and Assembly staff, the meeting was held at the Belgrade City Hall, located approximately half-way between the main parliament building and the staff offices building. Significant project time and effort was expended organizing the meeting and the presentations. The objective of the meeting was to review for USAID and SPP counterparts the past quarter's SPP Task Three activities, their outcomes and achievements, and to allow USAID to gain feedback on these activities from National Assembly stakeholders. Participants from the National Assembly included: the Chairman of the Culture and Information Committee, the Media Advisor to the Speaker, and the Internal Commissioner for Access to Information of Public Importance. SPP also introduced the participants to the planned SPP activities for the upcoming quarter. Following the presentations, the discussion continued during the informal part of the meeting.

The next formal progress meeting was scheduled for October, early in program Year 3.

## ANNEXES

### Annex I SPP Contract Performance Objectives

No.	PERFORMANCE OBJECTIVE [The number at the end of each performance objective is the number of that objective as it appears in the SPP contract section C.VII.]	Workplan Sections
	<b>TASK 1: DEVELOP THE JUDICIARY'S CAPACITY TO ALLOCATE, ACQUIRE AND MANAGE RESOURCES</b>	1
1	After four years, the budget and finance office and judicial leaders prepares an integrated budget for all courts. [8]	1.1
2	After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations. [12]	1.1 1.2
3	After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index. [14]	1.1 1.2 1.3 1.4
4	After four years, the judiciary has adopted five- and 10-year development plans. [7]	1.3
	<b>TASK 2: ASSIST THE JUDICIARY IN MAKING THE ADMINISTRATION OF JUSTICE MORE EFFICIENT, TRANSPARENT, AND RESPONSIVE TO THE NEEDS OF ITS USERS</b>	2
5	After two years, a career track for court managers/administrators is in place, and the authorities have approved a plan for placement of court administrators throughout the court system. [1]	2.1
6	After three years, trained professional court administrators/managers are working in key positions. [5]	2.1 2.2 2.3.4
7	After four years, additional trained court administrators/managers are working within the system. [6]	2.1 2.2 2.3.4
8	After five years, all the positions identified in the plan for placement of court administrators have been filled. [13]	2.1 2.2 2.3.4
9	After four years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts has been reduced. [10]	2.3
10	After five years, the average case processing time in selected	2.3

	courts has been reduced. [15]	
11	After five years, substantial progress is noted for Factor 28 (Case filing and tracking systems) of the Judicial Reform Index. [14]	2.3
12	After five years, substantial progress is noted for Factor 18 (Case Assignment) of the Judicial Reform Index. [14]	2.3
13	After four years, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel. [9]	2.3.4
14	After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in the courts. [11]	2.1 2.2 2.3
	<b>TASK 3: DEVELOP THE CAPACITY OF THE NATIONAL ASSEMBLY TO BECOME A TRULY DELIBERATIVE BODY CAPABLE OF ACTING IN THE PUBLIC INTEREST AND CONDUCTING OVERSIGHT/MONITORING OF ALL GOVERNMENT OPERATIONS</b>	3
15	After three years, the Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process. [3]	3.1 3.3
16	After three years, the Assembly produces five-year strategic and financial plans. [4]	3.2
17	After two years, the Assembly has done more thorough analysis of some pending legislation, and/or the Assembly's operations have become more transparent. [2]	3.4

## Annex 2 SPP Staff, 2009 - 2010

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\* = Not employed by SPP at the beginning of Year Three, October 1, 2010

## **Annex 3 Contact information**

### **Individuals involved in progress meetings and SPP activities in 2009-2010**

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### **Misdemeanor Courts**

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### **Appellate Court in Beograd**

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## **Annex 4 P-BMP Data Reporting**

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**SEPARATION OF POWERS PROGRAM (SPP)  
PERFORMANCE-BASED  
MONITORING PLAN (P-BMP)**

**Report as of  
September 30, 2010**

**Annex 4 to SPP Annual Report for October 2009 to September 2010  
Annex 6 to SPP Monthly Performance Report 24, for September 2010**

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**Submitted to:** USAID-Serbia on 19 October, 2010

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**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended  
September 30, 2010**

Data Table Quarterly Reporting: September 2010					Separation of Powers Program					
No.	Objective	Unit Measure	Base Line Year	2008 Actual	2008 Target	2009 Actual	2009 Target	Year 2 2010 Actual	2010 Target	Comments
<b>1.3</b>	<b>Government Exercises Authority Responsibly</b>									
1	Percentage of target court users who are satisfied with the judicial system	Percent Improvement	2009	No Data		No Data				SPP conducted focus group discussions in April 2010 about perceptions of the Serbian judicial system. Results of the focus groups provide a baseline for comparison against future reporting periods.
2	Cases Pending for more than 2 years	Percent reduction	2008			None	5%	*		* See comments below
	Cases pending more than 2 years: all courts in Serbia			119,949				*		* See comments below
	Cases pending more than 2 years: 5 selected BLR courts			19,642		36,230		24,156		The reported numbers relate to SPP's backlog reduction courts: Higher Court in Belgrade, Higher Court in Novi Pazar, Basic Court in Vranje, Basic Court in Nis, Basic Court in Subotica, and Basic Court in Uzice. They do not include enforcement cases. In 2010 SPP added one BLR court; 2010 data is for 6 selected courts.
3	The Case Processing rate	Percent increase	2008	95.49%		No Data*	20%	*		* See comments below
	The Case Processing rate	Percent increase	2008	98.73%		No Data*	20%	*		* See comments below

\* In prior years, SPP has used the Annual Report of the Supreme Court as its source for data relating to cases pending and case processing rates. Each court typically provides its annual report to the Supreme Court and Ministry of Justice by mid-February of the

following year. Due to the current reorganization of the courts and creation of a new court network, many courts failed to submit their annual reports. The Chief Justice of the Supreme Court of Cassation ultimately decided not to create an Annual Report for 2009 (assembled from the annual reports of all courts in Serbia).

Since the Annual Report was not available as a source document, SPP made several efforts to otherwise obtain the necessary data directly from the courts. Such efforts were largely unsuccessful as the courts continue to adjust to their new personnel and structure. SPP will reevaluate data for cases pending and case processing rates when the new court network is fully reporting case data to the Supreme Court.

Data Table Quarterly Reporting: September 2010					Separation of Powers Program					
No.	Objective	Unit Measure	Base Line Year	2008 Actual	2008 Target	2009 Actual	2009 Target	Year 2 2010 Actual	2010 Target	Comments
<b>Task 1 Develop Judiciary's Capacity to Allocate, Acquire, and Manage the Judiciary's Resources</b>										
1	Progress on the Institutional Development Index (IDI)	Percentage of mutually agreed upon objectives achieved	2008	---	---	3%	20%	15%	30%	SPP has earned 10 of the 33 points possible based its objectives. See PBMP Appendix B. Since the HCC has not yet approved and staffed its budget office, IDI work has not been reviewed with the HCC and IDI scoring is not yet bilateral.
2	The extent to which an integrated budget is prepared for all courts based on key standards	Percentage completion		No Data	---	No Data	10%	No Data	---	The first HCC judicial system budget is expected in 2011. In the interim, SPP has developed a budget analysis checklist against which it will measure future progress. See PBMP Appendix C.
3	Adoption of medium and long term development plans	Narrative	2008	0	---	0	---	0	---	Work has started but the plans have not been developed in final form and have not been approved. Target completion date is December 2010 and adoption in early 2011.
4	Progress on improving budgetary input on the JRI	JRI Rating		Negative	---	No Data	---	N/A	---	The JRI is not scheduled for 2010. USAID efforts to arrange for implementation were not successful.



Data Table Quarterly Reporting: September 2010										Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2008 Actual	2008 Target	2009 Actual	2009 Target	Year 2 2010 Actual	2010 Target	Comments
<b>Task 2 Assist the Judicial Branch in making its Administration of Justice More Efficient, Transparent, and Responsive to the Needs of Users</b>										
1	Progress in establishing and implementing a staffing and recruitment plan and career track for court administrators	Percentage completion	2008	0%	---	3/21 on Staffing; 2/6 on Career Track	---	7/18 on Staffing; 4/6 on Career Track	Elements 1 and 2 achieved	See PBMP Appendix D. 39% progress (7 of 18 points) on staffing and recruitment plan. 66% progress (4 of 6 points) on career track for court administrators.
2	Number of court administrators/managers filling positions	Number	2008	0	---	0	---	1	---	The first court administrator was appointed to the Higher Court in Belgrade in June 2010. 11 more courts have been designated to receive court managers. These court managers should be hired in early 2011 after the appointment of permanent court presidents to their respective courts.
3	Progress on improving case filing and tracking systems on the JRI	Negative, Neutral, or Positive								The JRI is not scheduled for 2010. USAID efforts to arrange for implementation were not successful. The Ministry of Justice has introduced an automated case management system into all Basic Courts without units and into all Higher Courts, and will continue to roll-out the software into other courts. SPP has learned that migration of case data into the new system has been beset by many technical problems, and that data generated from the system is not, at this point, wholly reliable.
a	Factor 18: Case Assignment		Neutral	N/A	---	N/A	---	N/A	---	SPP's Case Management Working Group developed a random case assignment rule which became part of the new Book of Court

										Rules that became effective January 2010. Visits by SPP to 9 selected courts and by the Ministry of Justice to one-third of all courts during the first quarter of 2010 revealed that courts are assigning cases randomly in accordance with the rule. Although the new case management software should allow for automated random case assignment, implementation issues have led many larger courts to continue to assign cases manually.
b	Factor 28: Case Filing and Tracking		Negative	N/A	---	N/A	---	N/A	---	See prior comments regarding the installation of the automated case management system.

Data Table Quarterly Reporting: September 2010										Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2008 Actual	2008 Target	2009 Actual	2009 Target	Year 2 2010 Actual	2010 Target	Comments
<b>Task 3 Develop the Capacity of the National Assembly to Become a Truly Deliberative Body Capable of Acting in the Public Interest, and Conducting Oversight/ Monitoring of All Government Operations</b>										
1	Progress on a milestone scale demonstrating that the budget office can support all aspects of the budget and finance process	Percentage Completion	2008	0%	---	0%	20%	20%	75%	The PBMP indicates that the milestone scale will be in place and data gathered after the Budget Office is established, which has not yet occurred. Until the office is established, SPP will report on those elements of the milestone scale in which progress can be measured prior to the office's creation. See PMBP Appendix F for details.
2	Improvement in the 5 year strategic and financial plan	Percentage Completion	2008	0%	---	0%	20%	57.0%	75%	See PMBP Appendix G for details.
3	The Assembly's operations result in a more thorough analysis of pending legislation and/or have become more transparent									The NA Rules of Procedure drafting Working Group received written and oral recommendations from SPP experts and experts from other International Organizations.
a	Number of bills or reports	Number	FY 2008	0	---	1 bill (3 times)	---	1 bill (2 times)	TBD	Baseline and target is dependent on agreement with the NA on priorities and where analysis will be needed, and consultation on USAID priorities.
b	Percent of met objectives in the transparency agreement	Percent	2008	0%	---	0%	---	0%	40% (more information will be available to the public)	See PBMP Appendix E for a status update on the Transparency Agreement.
c	Number of visits to the NA website	Number	2008	No data	---	No data	---	No data		Baseline is TBD. No Website improvements have been made to date. A Working Group to create the new website is underway and meeting regularly. Target for completion is early in 2011.

Data Table Quarterly Reporting: September 2010										Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2008 Actual	2008 Target	2009 Actual	2009 Target	Year 2 2010 Actual	2010 Target	Comments
<b>Cross-Cutting</b>										
1	The number of judicial branch individuals trained.	Number	FY 2008	0		95	155	291	200	The 2010 target was exceeded due to the addition of training for acting court presidents on the new Book of Court Rules.
	Number of women					55	85	162	116	
	Number of men					40	70	129	84	
	Number of Legal Institutions and Associations					38	19	120	25	The number of institutions involved in training exceeded the 2010 target because courts that were not in the project's original training plan participated in the training on the new Book of Court Rules.
2	The number of National Assembly individuals trained.	Number	FY 2008	0		56	35	57	54	
	Number of women					29	20	30	29	
	Number of men					27	15	27	25	

## APPENDIX B: THE INSTITUTIONAL DEVELOPMENT INDEX (IDI) FOR THE HCC BUDGET OFFICE

Criteria for Each Progressive Stage					
Component	Founding (0)	Developing (1)	Operating (2)	Sustaining (3)	Score
<b>I. Organization</b>					
I.1 Rules Governing Work and Administration	No rules adopted by HCC that govern administrative functioning of the budget office. <i>SPP drafted an organization plan, staffing proposal and assignment of budget and accounting staff. SPP recommended the adoption of the current rules in the MOJ. SPP also offered to assist in drafting rules for the HCC to manage the budget formulation and execution processes in the HCC.</i>	Rules governing work and administration developed.  <i>SPP completed an assessment which identifies both the IT solutions required to automate the HCC budget office and provides the framework for adopting the workflow rules and procedures required for the HCC to successfully manage its budget formulation and execution obligations. Some rules are developed but not yet adopted.</i>	Rules governing work and administration developed, adopted and followed.	Rules governing work and administration followed and systematic mechanisms for improvement in place.	I
I.2 Administrative Structure	Administrative structure not in accordance with competencies of HCC as defined in the law creating the HCC. <i>Although the Administrative structure has been defined, it is still in proposal form and has not yet been adopted. Therefore SPP scores this area as "I" and notes that it cannot move forward until adopted.</i>	Administrative structure defined in accordance with competencies. <i>The HCC is in the process of developing the staffing plan for the Administrative Office. The competencies of the HCC as defined in the Law on the High Court Council need to be clarified as they relate to the HCC authorities in the budget formulation and execution for the judiciary.</i>	Key positions in Administrative structure in accordance with competencies partially staffed. <i>The Secretary General of the Administrative Office has been appointed and is working. The organizational plan and staffing chart are pending approval. These documents set forth the positions and organizational structure required to support the HCC's budget, accounting, and related financial functions.</i>	Key positions are staffed appropriately and remaining positions at least partially staffed.	I
I.3 Staff building	No strategic skill building. <i>Although organization of training has started, the Budget Office is not yet staffed, and this component cannot move forward until staff are</i>	Training needs assessment conducted. A draft training curriculum has been produced; <i>SPP has discussed training needs with MOJ personnel currently performing budget</i>	Staff development and training program developed.	Training program implemented and periodically reviewed.	I

	<i>in place.</i>	<i>responsibilities.</i>			
1.4 Anti-corruption	No ongoing institutional capacity to address corruption. <i>An internal auditor position was proposed by SPP. Since the position is not yet officially created, SPP scores this area as "0."</i>	Institutional methodologies to address corruption exist. <i>The Secretary General has endorsed this recommendation and plans to appoint three auditors.</i>	Institutional methodologies exist and anti-corruption plan developed.	Institution regularly applies anti-corruption plan and reviews and updates the plan at least annually.	0

1.5 Facility	Not provided.	Structure provided but not adequate. <i>The HCC is currently housed in a permanent facility. The facility is furnished but no automation equipment has been ordered for the budget and accounting sector.</i>	Structure and furnishings adequate for current needs.	Currently adequate plus current and future facility requirements incorporated into planning and budgeting on a systematic basis.	1
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<b>2. Communications and Outreach</b>					
2.1 Stakeholder and Public Relations	No mechanisms for communications and coordination with stakeholders and the public. <i>The strategic plan for the judiciary contemplates a provision for outreach and training of public relations staff, Court Presidents, and members of the HCC in dealing with the media.</i>	Mechanism for engaging stakeholders and the public partially used. <i>Initial strategic planning was conducted by the HCC. Strategic priorities include establishing PR positions in the courts and related training programs. HCC has hired a PR spokesperson.</i>	Plan for improving communications developed and partially implemented.	Mechanisms and Plan for engaging stakeholders and the public used systematically.	1
2.2. Legislative Outreach	No strategy in place to build legislative support or evaluate legislative impact. <i>Planning for a legislative strategy is at the beginning stage.</i>	Legislative strategy developed. <i>It is anticipated that the HCC's strategic plan will address the legislative changes required to provide additional budgetary independence for the courts.</i>	Legislative strategy followed; capacity to assess legislative impact developed. and legislative impact assessments conducted occasionally.	Mechanism for gaining legislative support in place and used systematically. Legislative impact assessments conducted on a regular basis.	0
<b>3. Management</b>					
3.1 Automation	No plan for automating or	Plan for automating and supporting	Plan for automating and supporting	A system for assessing, planning,	0

	supporting courts and administrative offices in place. <i>SPP assessed the IT solutions needed to create greater capacity for budgeting, financial management, and long-term planning within the HCC's budget office, and presented its recommendations to the HCC.</i>	courts and administrative offices in place. <i>Although a plan exists, it has not yet been approved and this area therefore remains at "0."</i>	courts and administrative offices partially implemented.	and improving automation systems in place.	
3.2 Statistics	No statistics collected. <i>A data collection tool has been recommended for the HCC to assist it in exercising its authority to manage the budget formulation and execution process for the judiciary. HCC receives some statistical reports, but since they do not yet include financial management data, SPP scores this area as "0".</i>	Statistical reporting plan to obtain required statistics from all organizations developed, reporting protocol with courts developed. <i>Ongoing court automation efforts (MOJ) and data collection efforts (World Bank) should provide valuable statistical information on court staffing, workload, and budget needs.</i>	Statistical reporting plan partially implemented.	Statistical reporting plan fully implemented. System to obtain statistics reviewed and modified as appropriate. Statistics used as a management tool.	0
<b>4. Budgeting and Strategic Planning</b>					
4.1 Budgeting	Either A) No strategic financial plan, or B) Budgets are not linked to the financial strategy and not used as a management tool. <i>The strategic plan should generate a series of medium and long range financial plans for implementation in the budget formulation and execution processes. Since the plan is not yet in place, this area remains at "0".</i>	Plan for linking budget to strategy and improving budget analysis developed. <i>The HCC will meet in October 2010 to begin developing a strategic plan for the HCC and courts. It is anticipated that subsequent consultations and drafting sessions will take place in November 2010, and that the strategic plan will be completed in December 2010.</i>	Partial implementation of financial plan and at least partial staffing of budgeting office.	Capacity exists for effective budgeting, linked to strategic objectives and goals.	0
<b>5. Auditing</b>					
5.1 Auditing	No auditing procedures in place; spending controlled on largely ad hoc basis. <i>A staffing plan proposed by SPP included the position of internal</i>	Auditing procedures developed but not fully functional <i>SPP has developed a plan to train internal auditors once they are appointed. SPP also provided the HCC</i>	Auditing process partially functional.	Auditing process fully functional and spending controls in place	0

	<i>auditor that will examine the proper use of budgetary resources. As with 1.4, above, until the auditor positions have been approved, this score is "0".</i>	<i>with recommendations on audit guidelines.</i>			
<b>Total Score</b> (5/33 = 15%)					<b>5</b>

**Scoring:**

1. Each component represents one point.
2. A checkmark is placed on the appropriate column of each component or subcomponent according to the stage of current organizational development.
3. The sum of all components or subcomponents is calculated.
4. Total possible points = 11 components x 3 = 33.
5. Any supporting documentation on the rationale for scoring is maintained in the files.
6. The index score will be reported with a narrative highlighting key issues and trends.

Indicator: Number of points earned / total number points possible (based on mutually agreed upon objectives) = % completion

**Targets:**

2009 20%  
2010 30%  
2011 50%  
2012 75%  
2013 90% (at least)



### Appendix C: Budget Analysis Checklist

Budget Elements	Planned Date for Completion	Completion Date	Comments
1 Extent of HCC's legislative authority determined with respect to the formulation and execution of budgets for all organizational elements of the judiciary.	May 2010		It is anticipated that issues of legislative authority will be addressed during the strategic planning process. The HCC will meet in October 2010 to begin developing a strategic plan for the HCC and courts. Subsequent consultations and drafting sessions will take place in November 2010, and that the strategic plan should be completed in December 2010.
2 Budget formulation and execution curriculum finalized.	May 2010		A draft curriculum has been developed. The curriculum must be tailored to the skill levels of those engaged in the budget formulation and execution process. This will be done once staffing decisions have been finalized.
3 Pilot courts trained utilizing the training curriculum; curriculum modified as appropriate to reflect lessons learned.	June 2010		The training curriculum and its delivery will be modified as appropriate based on feedback from pilot court participants. The revised curriculum will be provided to the Judicial Academy to become part of its ongoing training program.
4 Budget baseline established for all courts, providing a standard quality level for court facilities (e.g., space, furniture, and equipment), and for automation and communications packages.	Ongoing		The HCC should develop and adopt court baseline standards to measure and determine budget priorities for each court and between courts, which are reflected in the budget formulation and execution process.
5 Baseline standards become part of the judiciary's budget guidance to the courts and are reflected in the budget	Ongoing		The standards should be provided to each court as guidance for its budget requests. This will be a multi-year process.

allocations provided to the courts by the HCC.			
6 The HCC justifies and advocates on behalf of the judiciary's budget directly with the Ministry of Finance and the National Assembly.	Ongoing		In August 2010, SPP aided the HCC in its budget advocacy efforts by helping to draft a formal request and supporting documentation through which the HCC requested that the Ministry of Finance reconsider its 2011, 2012 and 2013 budget allocations for HCC operations. HCC formally requested that the Ministry of Finance increase the salaries allocated for HCC staff in each year, reflecting an increase justified on the basis of the draft Systemization of Working Places Act for the HCC's Administrative Office.

## Appendix D:

<b>Progress in Establishing and Implementing a Staffing and Recruitment Plan and Career Track for Court Administrators</b>					
Element	0- Nonexistent	1- In progress or developing	2- 50% or more completed	3- Fully Operational	Comments
<b><i>Career Track</i></b>					
1. Career track for court administrators is developed.			2	T= 9/2010, completed	In late 2009, the position of court manager was introduced in the new Book of Court Rules. More than 30 courts requested court managers, but only 12 were approved to receive them. The first court manager was hired by the Higher Court in Belgrade in June 2010. Hiring of other court managers is dependent upon the appointment of permanent court presidents in their courts, which is expected to occur in December 2010.
2. Career track has been adopted.			2	T= 9/2010 completed	SPP and the Ministry of Justice are working with the 12 courts that will receive court managers on standardizing their salaries at the highest level possible in the courts for non-judicial personnel.
<b><i>Staffing and Recruitment Plan</i></b>					
3. Staffing and recruitment plan is developed with key objectives.		1		T= 9/2012	SPP and its Court Administrator Working Group (CAWG) formed a subgroup to work with the MOJ on the selection process for courts requesting court administrators in 2010. SPP will

					develop a recruitment plan that will be presented to the selected courts by December 2010.
4. The plan addresses compliance with gender issue laws (such as prohibitions on sexual harassment).		I		T= 9/2012	The Law on Discrimination, adopted on March 26, 2009 by the National Assembly (Official Gazette 22-09) and effective April 3, 2009, is the relevant gender issue law.
5. Plan includes budget and long term financing plan.		I		T= 9/2012	The CAVG subgroup is working to address the financial issues related to recruiting and engaging court administrators, and will present a proposal to the MOJ by December 2010. Efforts to standardize salaries are ongoing.
6. Staffing and recruitment plan is approved.		I		T= 9/2012	
7. Staff are identified to implement the plan.		I		T= 9/2012	CAWG members will help implement the plan and have offered their assistance to the MOJ.
8. Budget is allocated to implement the plan.			2	T= 9/2012	Approved Court Manager positions have been funded, but not uniformly.
<b>Total Scores</b>					Career track: 4/6 = 66%; Plan: 7/18 = 39%

Indicator: Number of elements fully operational/ total number of elements = % complete  
Targets are that by 2010, #9 is achieved, and by 2012 all milestones are achieved.

**Transparency Agreement Objectives**  
*(Based on the Agreement with the National Assembly)*

**Planned  
Date of  
Completion**

**Completed  
Date**

**Comments**

**APPENDIX  
E:**

1. Assist the National Assembly leadership and departmental staff to plan, organize and implement activities aimed at improving the National Assembly's transparency and outreach.

May 2011

2. Assist and support organization and implementation of seminars, workshops and study tours, and implementation of action plans resulting from study tours, workshops and seminars.

May 2011

3. Assist with the organization and implementation of training a program(s) for National Assembly staff and MPs in the areas of public relations, media relations, and Internet-based website presentation management.

May 2011

February  
2011

4. Assist with development of the National Assembly's new Internet website presentation.

Indicator: Number of objectives completed / total number of objectives = % completed.

Target: At least 90% completed by 2011 (provides a 10% margin of error)

In October 2009 SPP conducted a baseline assessment of the transparency, outreach and accessibility of the National Assembly of Republic of Serbia. The related report included a series of recommendations for enhancing policies and plans for the Assembly's outreach and transparency.

On April 22-24, 2010, SPP organized a workshop on transparency matters for Assembly members and staff. Workshop participants reviewed SPP's recommendations, agreed upon a set of priority actions, and developed an implementation plan. SPP subsequently determined which of the recommended actions to support with technical assistance. These items served as the basis for the Transparency Agreement.

The terms of the Transparency Agreement were provided to SPP's Task 3 Advisory Committee in September 2010. The Advisory Committee has agreed to implement the recommended reforms, but no formal agreement has been executed to document such agreement.

## APPENDIX F:

Progress in Demonstrating that the Budget Office can Support and Implement All Aspects of Budget and Finance					
Element	0- Nonexistent	1- In progress or developing	2- 50% or more completed	3- Fully Operational	Comments
1. A plan for strengthening the budget office is developed.	Baseline	I		A= N/A T=9/2011*	SPP will begin reporting on Element 1 once the Budget Office is established, which will occur when the new staffing plan is approved. Specific provisions for the Budget Office have been included in the Assembly's draft budget for 2011. A plan for training and support of the Budget Office has been drafted.
2. The budget office has a minimal number of staff to implement all aspects of budget and finance.	Baseline	N/A		A= N/A T=9/2011*	SPP will begin reporting on Element 2 once the Budget Office is established.
3. Key staff are trained and aware of international best practices.	Baseline	I		A= I T=9/2011*	<ul style="list-style-type: none"> <li>• In October 2009, SPP held a workshop for planning the creation of the Budget Office and related strategic and financial plans.</li> <li>• SPP conducted a study visit for select NA staff to the Slovenian Parliament in April 2010.</li> <li>• SPP experts drafted a curriculum for training Budget Office staff and others in the NA on budget procedures and advocacy.</li> <li>• SPP began developing a set of internal procedures, by-laws and templates under which the Budget Office will operate.</li> </ul>

					• Key staff are not yet in place.
4. The Budget Office has the necessary hardware and software to implement all aspects of budgeting and finance.	Baseline	1		A= 1 T=9/2011*	SPP completed an assessment of the software and hardware necessary to automate the NA's budgetary operations. SPP presented its recommendations to its Task 3 Advisory Committee in September 2010, which approved the recommendations and will form a working group to assist in implementing them.
5. Office strengthening plan is implemented.	Baseline	N/A		A= N/A T=9/2011*	SPP will begin reporting on Element 5 once the Budget Office is established.
<b>Total Score</b>					3/15 = 20%

A=Actual  
T=Target

Indicator: Number of elements fully operational/ total number of elements = % completed  
Target is that by 2011, 9 of the 15 elements, in aggregate, are completed

## APPENDIX G:

Improvement in the 5 Year Strategic and Financial Plan					
Element	0- Nonexistent	1- In progress or developing	2- 50% or more completed	3- Fully Operational	Comments
1. Weaknesses in the current strategic and financial planning process are identified.	Baseline			3	Weaknesses in the process were clearly identified and are being addressed in the process of drafting a strategic plan for the National Assembly.
2. A strategic plan, containing	Baseline				A draft strategic plan was finalized in



specific objectives and addressing those weaknesses are developed.			2		September 2010. Consultations are currently underway to refine the plan. A second drafting session is scheduled for November 2010 to finalize the plan, after which it will be submitted to the Secretary General for approval.
3. The plan is adopted by the National Assembly (or relevant body or person).	Baseline	I			SPP is conducting consultations with relevant persons to secure swift approval of the strategic plan by the Secretary General.
4. Appropriate resources (staff and budget) are allocated to implement the plan.	Baseline	I			Appropriate resources to implement the strategic plan are included in the Assembly's draft budget for 2011 (which SPP helped draft).
5. Key staff are trained in management, strategic planning, and financial planning.	Baseline		2		Relevant staff received training on strategic planning in September 2010 and drafted a strategic plan. From June – August 2010, key staff received training and guidance on preparing the Assembly's 2011 budget, which resulted in an initial draft budget.
6. Data from the financial plan are reflected in the strategic plan.	Baseline		2		Data from the Assembly's draft budget are reflected in the draft strategic plan.
7. Examples of changes in operations (such as purchasing, personnel management, oversight, etc.) are evident).	Baseline	I			During the process of drafting the Assembly's 2011 budget and its strategic plan, discussions were organized on implementing future operational changes.
<b>Total Score</b>					12/21 = 57.0%

## Annex 5 List of Documents

SPP Documents for Annual Report for 2010			
		Language	
		English	Serbian
<b>Task 1</b>			
1.1	Briefing for the Secretary General of HCC_310	x	
1.2	HCC MFAS Recommended Staffing		x
1.3	HCC MFAS Recommended Staffing	x	
1.4	Request for additional funds_810	x	
1.5	Request for additional funds_810		x
1.6	Minutes 1st HCC-SPP Advisory Committee mtg_510		x
1.7	Minutes 1st HCC-SPP Advisory Committee mtg_510	x	
1.8	IT Assessment Executive Summary_910	x	
1.9	Minutes from 3 <sup>rd</sup> AC Meeting	x	
1.10	Minutes from 3 <sup>rd</sup> AC Meeting		x
1.11	MOU HCC bilingual_410	x	x
1.12	MOU JTC bilingual_129	x	x
1.13	Analysis of Financial and Related Information for the Judicial Bodies Republic of Serbia – Joe Bobek	x	
1.14	Analysis of Financial and Related Information for the Judicial Bodies Republic of Serbia – Joe Bobek		x
1.15	IT Assessment Report	x	
1.16	IT Assessment Report		x
1.17	Trip Report Timothy Bates_710	x	
1.18	Presentation on strategic planning for the HCC_610		x
1.19	Agenda_310 for Progress Meeting March 26, 2010	x	
1.20	Budget formulation process models_410	x	
1.21	Curriculum for MFAS staff_210		x
1.22	AO Systemization Plan	x	
<b>Task 2</b>			
2.1	Court Presidents WS on BCR Agenda 1228		x
2.2	Court Presidents WS on BCR-part two Agenda 0112	x	
2.3	Court Presidents WS on BCR-part two Agenda 0112		x
2.4	BLP and BLR Workshop - Final Agenda 0528	x	
2.5	GUIDELINES FOR ANNUAL BACKLOG REDUCTION PLAN	x	
2.6	Curriculum transfer ceremony- handout 1510	x	
2.7	Memo from Advisory Board Meeting- final 0819	x	
2.8	Memo from meeting with JA and SPP AB 0225	x	
2.9	Memo from BLP and BLR Workshop- final 0528	x	
2.10	Case Management Action Plan Table	x	

2.11	Case Management Action Plan Table		x
2.12	BLR action plan Table	x	
2.13	BLR action plan Table		x
2.14	Minutes from Workshop for Court Presidents 0112	x	
2.15	Invitation letter for WS on BCR for Court Presidents 1228		x
2.16	Research on Perceptions of the Serbian Judicial System - Presentation (pjw comments)	x	
2.17	SPP Curriculum for President Judges	x	
2.18	SPP Curriculum for Court Managers	x	
2.19	Research on Perceptions of the Serbian Judicial System Report – Tables of Frequencies (pjw comments)	x	
2.20	Court Administration-Trip Report -Ingo Keilitz May 2010	x	
<b>Task 3</b>			
3.1	Advisory Committee Meeting Notes – 5 <sup>th</sup> Meeting		x
3.2	Advisory Committee Meeting Notes – 6 <sup>th</sup> Meeting	x	
3.3	Advisory Committee Meeting Notes – 7 <sup>th</sup> Meeting	x	
3.4	Advising/Mentoring Activities: April to July 2010	x	
3.5	Proposal for Budget Office Staffing Plan: July 2010		x
3.6	Advising/Mentoring Activities: August 2010	x	
3.7	Budget Office IT Assessment : April 2010	x	
3.8	Workshop on the Budget Office and Strategic Plan Report: October 2009 (A & B)	x(A)	x(B)
3.9	Strategic Plan Drafting –Rules of Procedure provision comparison chart	x	
3.10	Strategic Plan Drafting Retreat Report: September 2010	x	
3.11	Slovenia Study Tour report: May 2010	x	
3.12	Comments on the Draft Rules of Procedure		
3.12.1	Comments on the Draft Rules of Procedure (Milenkovic), June 2010		x
3.12.2	Comments on the Draft Rules of Procedure (Pejic), June 2010		x
3.12.3	Comments on the Draft Rules of Procedure (Kosmac), June 2010		x
3.13	Draft Review of the Rules of Procedure (Vanhoutte), June 2010	x	
3.14	Outreach, Participation and Transparency in the National Assembly of the Republic of Serbia Assessment Report: October 2009	x	
3.15	Executive Summary: Retreat on Transparency and Information Report: April 2010	x	
3.16	Proposed Staffing Plan for the Serbian National Assembly's Communications Office: July 2010	x	
3.17	Website Workshop Report, Strawberry: July 2010	x	
3.18	Website Workshop Report, Peter Vanhoutte: July 2010	x	
3.19	Summary of the mode of operations of the Working	x	

	Group for 2011 NA Budget Drafting		
3.20	Brief report on Study Tour to Slovenia	x	
3.21	Recommendations for Automation of the National Assembly of Serbia Budget Office	x	
3.22	Recommendations for Automation of the National Assembly of Serbia Budget Office		x
3.23	Report on Study Tour to Slovenia		x
3.24	Summary of the mode of operations of the Working Group for 2011 NA Budget Drafting		x
3.25	Media relations with the NARS AC meeting	x	
3.26	Media relations with the NARS AC meeting		x
3.27	Proposal for Budget Office Staffing Plan: July 2010	x	
3.28	Proposed Staffing Plan for the Serbian National Assembly's Communications Office: July 2010		x
3.29	Action Plan for Developing a New Website for NARS	x	